

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

ERNEST HOWARD NELSON,
a.k.a. ABDULL SHAIKH SHABAZ,

Petitioner,

v.

CASE NO. 4:09cv157-SPM/WCS

WALTER MCNEIL,

Respondent.

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ORDER

THIS CAUSE comes before the Court for consideration of the magistrate judge's report and recommendation (doc. 15) dated September 25, 2009.

Petitioner has filed objections (doc. 16) pursuant to Title 28, United States Code, Section 636(b)(1). Upon review, I have determined that the report and recommendation should be adopted.

Accordingly, it is hereby ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 15) is ADOPTED and incorporated by reference in this order.
2. The § 2254 petition as amended (docs. 1 and 10), challenging the sentence imposed by the Second Judicial Circuit, Leon County, following the

revocation of probation or community control in case number 200-2587, is
summarily dismissed.

DONE AND ORDERED this 11th day of January, 2010.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge