

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

WILLIAM WALLACE,

Petitioner,

v.

CASE NO. 4:09-cv-00160-MP-WCS

WALTER A MCNEIL,

Respondent.

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**ORDER**

This matter is before the Court on Doc. 4, Report and Recommendation of the Magistrate Judge, recommending that the Petition for Writ of Habeas Corpus Nunc Pro Tunc be denied. The Petitioner filed objections, Doc. 5, which the Court has reviewed. The Court agrees with the Magistrate Judge that Mr. Wallace is attempting to file a successive motion under 28 U.S.C. § 2254 without first receiving permission from the United States Court of Appeals for the Eleventh Circuit. Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.
2. The Petition is dismissed and the Clerk is directed to close the file.

**DONE AND ORDERED** this 7th day of July, 2009

*s/Maurice M. Paul*

Maurice M. Paul, Senior District Judge