

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

MICHAEL A. JACKSON,

Petitioner,

v.

CASE NO. 4:09cv217-RH/WCS

WALTER McNEIL,

Respondent.

_____ /

ORDER DISMISSING PETITION

This case is before the court on the magistrate judge's report and recommendation (document 6). No objections have been filed.

As the report and recommendation correctly notes, this case duplicates an earlier-filed case making the same claims. That case, Case No. 4:09cv131, is going forward. *See* Order of Sept. 1, 2009, in Case No. 4:09cv131 (remanding case to magistrate judge for further proceedings). Under this court's standard procedures, if this case proceeded, it would be reassigned to Judge Maurice M. Paul, before whom the earlier-filed Case No. 4:09cv131 is pending. That would leave two substantively identical cases pending before the same judge. That would

unnecessarily complicate the proceedings without making any substantive difference. The better course is simply to dismiss this case without prejudice.

Accordingly,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The clerk must enter judgment stating, "The petition is DISMISSED without prejudice." The clerk must close the file.

SO ORDERED on October 22, 2009.

s/Robert L. Hinkle
United States District Judge