

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

ELIZABETH BOYETT SMITH,

Petitioner,

vs.

CASE NO.: 4:10-cv-406-SPM-WCS

UNITED STATES OF AMERICA,

Respondent

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

THIS CAUSE comes before the court upon the Magistrate Judge's Report and Recommendation (doc. 5). Petitioner has been furnished a copy and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). No objections have been filed. Having considered the Report and Recommendation, it is hereby ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 5) is ***adopted*** and incorporated by reference in this order.
2. The habeas petition is summarily dismissed.

DONE AND ORDERED this twenty-eighth day of June, 2011.

*s/Stephan P. Mickle*

Stephan P. Mickle

Senior United States District Judge