

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

DARRYL C JONES,

Petitioner,

v.

CASE NO. 4:10-cv-00554-MP -WCS

STATE OF FLORIDA,

Respondent.

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ORDER

This matter is before the Court on Doc. 6, Report and Recommendation of the Magistrate Judge, recommending that this case be dismissed. The time for filing objections has passed, and none have been filed. The Court agrees that all but one claim in this petition is unexhausted. The only exhausted claim involves a claim that evidence at petitioner’s trial should have been excluded under the Fourth Amendment’s exclusionary rule as the product of an illegal search and seizure. The Magistrate Judge is correct that such a claim is not cognizable on collateral review. Stone v. Powell, 428 U.S. 465 (1976). Therefore complete dismissal of this case is appropriate. Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.
2. The petition in this case is dismissed, and the Clerk is directed to close the file.

DONE AND ORDERED this 1st day of June, 2011

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge