

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

JERRY LEE NICHOLS,

Petitioner,

vs.

CASE NO. 5:06cv58/RS-WCS

WALTER A. MCNEIL,

Respondent.

\_\_\_\_\_ /

**ORDER**

Before me are the Magistrate Judge's Second Report and Recommendation (Doc. 89) and Petitioner's Objection To The Second Report and Recommendation (Docs. 91 & 93). I have considered Petitioner's objection *de novo*.

**IT IS ORDERED:**

1. The Magistrate Judge's Second Report and Recommendation is approved and is incorporated in this Order.
2. Petitioner's Petition For Writ Of Habeas Corpus pursuant to 28 U.S.C. §2254, challenging his conviction for an attempted lewd and lascivious act upon a child, in the Circuit Court of the Fourteenth Judicial Circuit, in and for Bay County, Florida, Case No. 02-402H is denied with prejudice.
3. The clerk is directed to close the file.

**ORDERED** on January 26, 2010.

*/S/* Richard Smoak \_\_\_\_\_  
**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**