

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

JOHN ROBINSON,

Petitioner,

vs.

CASE NO. 5:08cv212/RS-MD

AGNES L. DAVIS, Warden,

Respondent.

_____ /

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 19).

Petitioner has not filed objections.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. Petitioner's challenge to the validity of 28 C.F.R. §550.58 is dismissed without prejudice because this court does not have jurisdiction to consider the merits of that claim due to Petitioner's failure to exhaust his administrative remedies prior to filing suit.
3. Petitioner's challenge to the Bureau of Prison's use of information in his Presentence Investigation Report, specifically the criminal convictions referenced in paragraphs 43 and 44, is dismissed with prejudice.
4. The clerk is directed to close the file.

ORDERED on February 13, 2009.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE