

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

DANIEL KEVIN SCHMIDT,

Petitioner,

vs.

CASE NO. 5:08cv329/RS-MD

WALTER A. McNEIL, Secretary of
Florida Department of Corrections,

Respondent.

_____ /

ORDER

Before me are the Magistrate Judge's Report and Recommendation (Doc. 20) and Petitioner's Objection to Magistrate Judge's Report and Recommendation (Doc. 27). I have considered Petitioner's objection *de novo*.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. The Petition for Habeas Corpus (Doc. 1) is **denied**.
3. The clerk is directed to close the file.

ORDERED on January 7, 2010.

/S/ Richard Smoak

RICHARD SMOAK
UNITED STATES DISTRICT JUDGE