

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

ANDREAS OBOJES,

Plaintiff,

vs.

CASE NO. 5:09cv194/RS-EMT

STATE OF FLORIDA and FLORIDA  
DEPARTMENT OF CORRECTIONS,

Defendants.

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**ORDER**

Before me are the Magistrate Judge's Report and Recommendation (Doc. 15) and Plaintiff's Objection To Proposed Findings and Recommendation (Doc. 17). I have reviewed Plaintiff's objections *de novo*.

**IT IS ORDERED:**

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. The Petition for Writ of Habeas Corpus filed under 28 U.S.C. §2241 (Doc. 1) is dismissed pursuant to Rule 4, Rules Governing Section 2254 Cases, and 28 U.S.C. §2243. Dismissal is without prejudice to refileing pursuant to 42 U.S.C. §1983.
3. Plaintiff Motion for Preliminary Injunctive Relief (Doc. 10) is denied as moot.

4. The clerk is directed to close the file.

**ORDERED** on November 18, 2009.

*/S/ Richard Smoak*

**RICHARD SMOAK**

**UNITED STATES DISTRICT JUDGE**