

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

JOSEPH BOND,

Petitioner,

v.

CASE NO. 5:09cv255-SPM/EMT

WALTER A. MCNEIL,

Respondent.

_____ /

ORDER

THIS CAUSE comes before the Court for consideration of the magistrate judge's report and recommendation dated August 27, 2010. Doc. 46. Petitioner has been furnished a copy and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). No objections have been filed.

Having considered the report and recommendation, I have determined that the report and recommendation should be adopted.

Accordingly, it is hereby ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 46) is adopted and incorporated by reference in this order.
2. Petitioner's second amended habeas petition (doc. 19) is dismissed

for lack of jurisdiction.

3. No certificate of appealability will be issued because Petitioner has failed to make a substantial showing of the denial of a constitutional right.

4. The clerk shall close this case.

DONE AND ORDERED this 7th day of October, 2010.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge