

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

MARK WEBER,

Plaintiff,

v.

CASE NO. 5:09-cv-374-MW/GRJ

**SECRETARY, FLORIDA
DEPARTMENT OF CORRECTIONS,**

Defendant.

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**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION**

The Court has considered the Magistrate's Report and Recommendation, ECF No. 21, filed January 23, 2013. Upon consideration,

IT IS ORDERED:

The report and recommendation is accepted and adopted as the court's opinion. The Clerk shall enter judgment stating that the petition for writ of habeas corpus and the certificate of appealability are **DENIED**. The Clerk shall close the file.

SO ORDERED on February 20, 2013.

s/Mark E. Walker _____
United States District Judge