

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

JAMES ALEXANDER SMITH,
Plaintiff,

vs.

Case No.: 5:10cv85/LAC/EMT

UNITED STATES OF AMERICA,
Defendant.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated September 6, 2011 (doc. 51). The parties have been furnished a copy of the Report and Recommendation and have 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 now **ORDERED** as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. Respondent's motion to dismiss (doc. 44) is **GRANTED**.
3. The habeas petition (doc. 3) is **DISMISSED** as moot.

DONE AND ORDERED this 11th day of October, 2011.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE