

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

DANNY WAYNE BURKETT,

Petitioner,

vs.

CASE NO. 5:10cv89/RS-EMT

FLORIDA DEPARTMENT OF
CORRECTIONS,

Respondent.

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ORDER

Before me are the Magistrate Judge's Report and Recommendation (Doc. 25) and Petitioner's Objection To The Magistrate's Report And Recommendation (Doc. 27).

I have considered Petitioner's objections de novo.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. Respondent's Motion To Dismiss (Doc. 12) is **granted** because Petitioner's claims are procedurally barred from federal review.
3. The Petition For Writ Of Habeas Corpus (Doc. 1) is **denied**, and this case is dismissed.
4. The clerk is directed to close the file.

ORDERED on May 26, 2011.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE