

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

LEWIS CARL BARNETT,

Petitioner,

v.

CASE NO. 5:10-cv-219-RS-CJK

PAIGE AUGUSTINE,

Respondent.

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 30).

No objections have been filed.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. The Motion to Dismiss (Doc. 18) is **GRANTED**.
3. The Petition for Writ of Habeas Corpus is **DISMISSED** for failure to state a cause of action upon which relief may be granted.
4. The clerk is directed to close the file.

ORDERED on September 19, 2012.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE