

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

ALBERT C. BURGESS, JR.,

Plaintiff,

vs.

CASE NO. 5:11-cv-64/RS-CJK

**PAIGE AUGESTINE, Warden
of Marianna FCI,**

Defendant.

ORDER

Before me are the Magistrate Judge's Report and Recommendation (Doc. 13) and Petitioner's Notice of Appeal to Denial of Motion for Sanctions; Objection to R&R of the Magistrate (Doc. 16). I have considered Petitioner's objections *de novo*.

IT IS ORDERED:

1. Pursuant to 28 U.S.C. §636(b)(1)(A), reconsideration of the Magistrate Judge's denial of Petitioner's Motion for Sanctions (Doc. 10) is denied because Petition has not shown that the Magistrate Judge's Order is clearly erroneous or contrary to law.
2. The Amended Petition for Writ of Habeas Corpus filed pursuant to 8 U.S.C § 2241 (Doc. 4) is denied and is dismissed without prejudice.
3. The clerk is directed to close the file.

ORDERED on July 18, 2011.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE