

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 09-61695-CIV-COHN/WHITE

VICTORIANO SANTIBANEZ,

Petitioner,

vs.

WALTER McNEIL,

Respondent.
_____ /**ORDER ADOPTING REPORT OF MAGISTRATE JUDGE AND DISMISSING CASE**

This matter is before the Court on the Report of Magistrate Judge on Motion for Voluntary Dismissal [DE 21] ("Report"). Movant has filed no objections to the Report and the time for filing objections has passed. The Court has carefully reviewed the Report and is otherwise fully advised in the premises.

Accordingly, for the reasons set forth in the Report, it is **ORDERED AND ADJUDGED** as follows:

1. Judge White's Report [DE 21] is **ADOPTED**.
2. Petitioner's Motion for Voluntary Dismissal [DE 20] is **GRANTED**.
3. Victoriano Santibanez's Petition [DE 1] is **DISMISSED WITHOUT PREJUDICE** except as to any application of the federal statute of limitations or other procedural bar which may apply.
4. The Clerk shall **CLOSE** this case and **DENY** all pending motions as **MOOT**.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 29th day of January, 2010.



JAMES I. COHN
United States District Judge

Copies provided to the following:

Counsel of record

Victoriano Santibanez, pro se
DC #L68863
Gulf Correctional Institution-Annex
699 Ike Steele Road
Wewahitchka, FL 32465-0010