

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 11-60016-CIV-COHN/WHITE

ALLEN T. LUDA,

Petitioner,

v.

WALTER MCNEIL,

Respondent.

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/ **ORDER ADOPTING REPORT AND RECOMMENDATION**

**THIS CAUSE** is before the Court upon the Report of Magistrate Judge [DE 6], submitted by United States Magistrate Judge Patrick A. White, regarding Mr. Allen T. Luda's Petition for writ of habeas corpus filed under 28 U.S.C. § 2254 [DE 1]. Pursuant to 28 U.S.C. § 636(b)(1), the Court has conducted a *de novo* review of the record herein, including the Petition and the Report of Magistrate Judge, and is otherwise fully advised in the premises.<sup>1</sup> It is thereupon

**ORDERED AND ADJUDGED** as follows:

1. The Report of Magistrate Judge [DE 6] is **ADOPTED**;
2. Mr. Luda's Petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** as duplicative of Case No. 10-62175-Civ-Dimitrouleas;
3. All pending motions are **DENIED as moot**, and the Clerk of Court is

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<sup>1</sup> The Court notes that Mr. Luda has not filed Objections to the Report of Magistrate Judge, and the time for filing such Objections has passed.

directed to **CLOSE** this case.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County,  
Florida, on this 14th day of February, 2011.

  
JAMES I. COHN  
United States District Judge

Copies provided to:  
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and *pro se* parties via regular mail

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