

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division
Case Number:08-21465-CIV-MARTINEZ-WHITE

EVERETT OLIVER,
Petitioner,

vs.

WALTER A. MCNEIL,
Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE WHITE'S REPORT
AND CLOSING CASE**


THE MATTER was referred to the Honorable Patrick A. White, United States Magistrate Judge for a Report on Petitioner's pro se petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. Magistrate Judge White filed a Report, recommending that Petitioner's petition be dismissed pursuant to Federal Rule of Civil Procedure 12(h)(3) for want of jurisdiction and in the alternative, that the petition be denied. The Court has reviewed the entire file and record and notes that no objections have been filed. After careful consideration, it is hereby:

ADJUDGED that United States Magistrate Judge White's Report (**D.E. No. 9**) is **AFFIRMED** and **ADOPTED**. Accordingly, it is

ADJUDGED that

1. Petitioner's petition for writ of habeas corpus is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 12(h)(3) and in the alternative, the petition is denied.
2. This Case is **CLOSED**, and all pending motions are **DENIED** as **MOOT**.

DONE AND ORDERED in Chambers at Miami, Florida, this 29 day of April, 2009.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge White
All Counsel of Record
Everett Oliver