

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 08-22389-CIV-LENARD/WHITE

DERRICK ALLEN,

Petitioner,

vs.

DEPARTMENT OF CORRECTIONS,

Respondent.

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ORDER OF DISMISSAL

THIS CAUSE is before the Court on the Report of the Magistrate Judge (“Report,” D.E. 4), issued on September 2, 2008. In his Report, the Magistrate Judge recommends denial, for lack of jurisdiction, of Petitioner’s petition for a writ of mandamus to compel various courts to rule on his claims. (See id.)

On September 18, 2008, Petitioner filed his objections to the Report (“Objections,” D.E. 5). Therein, Petitioner concedes that this Court lacks jurisdiction to compel the United States Court of Appeals for the Eleventh Circuit to take action in a case, and further concedes that his petition was address to the United States Supreme Court. Further, having reviewed the entirety of Petitioner’s Objections and having otherwise independently reviewed the Report and the record in this case, the Court finds no basis on which to overrule the Magistrate Judge’s findings as described in the Report. Accordingly, it is hereby:

ORDERED AND ADJUDGED that:

1. The Report of the Magistrate Judge (D.E. 4) is **ADOPTED**.

2. The Petition for Writ of Mandamus (D.E. 1) is **DENIED**.
3. All pending motions not otherwise ruled upon are **DENIED as moot**.
4. This case is **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida this 23rd day of September,
2008.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE