

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

CASE NO. 09-22929-CIV-LENARD/WHITE

DAVID ANDREW SCHLENKERT,

Petitioner,

vs.

WARDEN JOHN T. RATHMAN, et al,

Respondents.

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**ORDER ADOPTING REPORT & RECOMMENDATION OF MAGISTRATE
JUDGE (D.E. 17)**

THIS CAUSE is before the Court on the Report and Recommendation of the Magistrate Judge (“Report,” D.E. 17), issued on January 27, 2010, recommending that this petition be dismissed as moot since Petitioner has been released from custody. Therein, the Parties were provided fourteen (14) days to file objections to the Report. To date, Petitioner has not filed any objections to the Report. Failure to file timely objections shall bar the parties from attacking on appeal the factual findings contained in the report. See Resolution Trust Corp. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). Therefore, after an independent review of the Report and record, it is hereby **ORDERED AND ADJUDGED** that:

1. The Report of the Magistrate Judge (D.E. 17), issued on January 27, 2010, is **ADOPTED**;
2. Petitioner’s petition is **DISMISSED AS MOOT**;

3. This case is now **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida this 25th day of February,
2010.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE