

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

**CLOSED
CIVIL
CASE**

Case No. 10-24161-CIV-GRAHAM/WHITE

ANDREW DAVID MARSHALL,

Movant,

vs.

DEBORAH HICKEY, WARDEN,

Respondent.

ORDER

THIS CAUSE came before the Court upon the Report of the Magistrate Judge regarding pro se petitioner Andrew David Marshall's petition for writ of habeas corpus pursuant to 28 U.S.C. §2241.

THE COURT has conducted a de novo review of the file and is otherwise fully advised in the premises.

In his report, the Magistrate Judge recommends that this petition be dismissed because petitioner's claims relate to his ongoing criminal procedure and should be raised to the District Judge presiding over his case. Movant filed no objections to the Magistrate Judge's report.

Accordingly, it is hereby

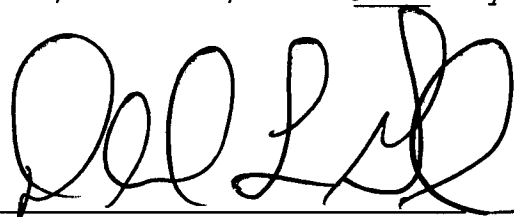
ORDERED AND ADJUDGED that United States Magistrate Judge White's Report [D.E. 10] is **RATIFIED, AFFIRMED** and **APPROVED** in its

entirety. It is further

ORDERED AND ADJUDGED that the Plaintiff's Petition [D.E. 2] is **DISMISSED**. It is further

ORDERED AND ADJUDGED that this case is **CLOSED** and any pending motions are denied as **MOOT**.

DONE AND ORDERED in Chambers at Miami, Florida, this 24th day of January, 2011.

A handwritten signature in black ink, appearing to read 'DLG', written over a horizontal line.

DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

cc: U.S. Magistrate Judge White
All Counsel of Record
Andrew David Marshall, Pro Se