

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-80889-CIV-HURLEY
MAGISTRATE JUDGE P.A. WHITE

ANTONIO RIVERA, :
 :
 Petitioner, :
 :
 v. :
 :
 UNITED STATES, :
 :
 Respondent. :
 :

**ORDER ADOPTING
REPORT AND RECOMMENDATION OF MAGISTRATE
JUDGE, ENTERING FINAL JUDGMENT DISMISSING
MOTION TO VACATE, AND CLOSING CASE**

THIS CAUSE is before the court upon a motion to vacate, and the Report and Recommendations of the Honorable Patrick A. White, United States Magistrate Judge.

Pursuant to Fed.R.Civ.P. 72(b), "[T]he district judge ... shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule." The rule requires that objections be filed within ten days of service of the Report and Recommendations, and that the objecting party arrange for transcription of sufficient portions of the record. Fed.R.Civ.P. 72(b). The district judge may then "accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." Id. Portions of the Report and Recommendations that are not specifically objected to are subject

to the clear error standard. The identical requirements are set forth in 28 U.S.C. §636(b)(1).

After considering the Report of the Magistrate Judge, as well as, any objections filed thereto, and after conducting a *de novo* review of the record as a whole, it is hereby **ORDERED AND ADJUDGED** as follows:

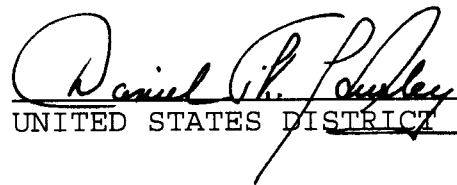
1. The Report and Recommendations of the United States Magistrate Judge (DE# 3) is **ADOPTED** in its entirety and incorporated herein by reference.

2. The motion to vacate is **DISMISSED AS SUCCESSIVE**.

3. All pending motions not otherwise ruled upon are **DENIED**, as moot.

4. This case is **CLOSED**.

DONE and SIGNED in Chambers at West Palm Beach, Florida on this 14th day of October, 2009.


UNITED STATES DISTRICT JUDGE

cc: Antonio Rivera, Pro Se
Address of record

All attorney's of record