

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

|  |   |            |
|--|---|------------|
| ROBERT EARL JACKSON,                   | ) |            |
|  | ) |            |
| Petitioner,                            | ) |            |
|  | ) |            |
| v.                                     | ) | CV 107-137 |
|  | ) |            |
| THURBERT E. BAKER, Attorney General    | ) |            |
| for the State of Georgia, <sup>1</sup> | ) |            |
|  | ) |            |
| Respondent.                            | ) |            |

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**ORDER**

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After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, the petition is **DENIED**, this civil action is **CLOSED**, and a final judgment shall be **ENTERED** in favor of Respondent.

SO ORDERED this 2<sup>nd</sup> day of March, 2009, at Augusta, Georgia.

  
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J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>In response to the instructions in the Report and Recommendation, counsel for Respondent has informed the Court that Petitioner is on parole and is currently under out-of-state supervision. (See doc. no. 17, p. 1). Accordingly, there is no person having immediate custody of Petitioner in the State of Georgia, the state of the judgment being attacked. Moreover, counsel for Respondent has represented to the Court that Attorney General Baker is the proper party to "defend the State's interest in the conviction challenged in this case." (Id. at 2). Accordingly, pursuant to Rule 2(b) of the Rules Governing Section 2254 Cases, the Court has substituted Thurbert E. Baker, Attorney General for the State of Georgia, as the Respondent in this action.