

FILED
U.S. DISTRICT COURT

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

2009 SEP -8 PM 1:24

DUBLIN DIVISION

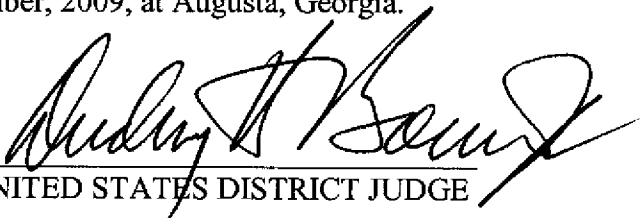
CLERK L. Elbers
SO. DIST. OF GA.

MICHAEL DIVITO,)	
)	
Petitioner,)	
)	
v.)	CV 308-087
)	
WALT WELLS, Warden, et al.,)	
)	
Respondents.)	

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Petitioner's pending requests to supplement his petition with additional authority and for a "case status report" are **MOOT** (doc. nos. 11-1, 12), Harvey Lappin is **DISMISSED** as an improper party Respondent, the petition is **DENIED**, this civil action is **CLOSED**, and a final judgment shall be **ENTERED** in favor of Respondent Wells.

SO ORDERED this 8th day of September, 2009, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE