

**In the United States District Court
For the Southern District of Georgia
Waycross Division**

ALBARO OCHOA ABURTO,

Petitioner,

v.

TRACY JOHNS, Warden,

Respondent.

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CIVIL ACTION NO.: 5:16-cv-76

ORDER

Presently before the Court is the Magistrate Judge's October 26, 2016, Report and Recommendation, (dkt. no. 7), to which Petitioner Albaro Aburto ("Aburto") failed to file Objections. After an independent and *de novo* review of the entire record, the Court **CONCURS** with the Magistrate Judge and **ADOPTS** the Report and Recommendation as the opinion of the Court. Consequently, the Court **DISMISSES** Aburto's Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241, without prejudice for Aburto's failure to follow this Court's Orders and failure to prosecute this case and **DENIES** Aburto leave to appeal *in forma pauperis*.

The Court **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 16 day of November, 2016.

LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA