

U.S. DISTRICT COURT  
SOUTH DISTRICT OF GEORGIA

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SO. DIST. OF GA.

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

BOB AARON MIKELL, JR.,  
Petitioner,

v.

DAVID J. EBBERT, Warden, and  
SAMUEL S. OLENS, Attorney  
General,  
Respondents.

CIVIL ACTION NO.: CV611-020


ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Petitioner Bob Mikell ("Mikell") once again challenges his convictions obtained in Candler County Superior Court. As the Magistrate Judge concluded, Mikell can challenge his state court convictions only to the extent the expired convictions have served to enhance his current federal sentence. Additionally, Mikell must challenge his enhanced federal sentence pursuant to 28 U.S.C. § 2255, not pursuant to 28 U.S.C. § 2254 as he attempts to do in the present case.

The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Respondents' Motion to Dismiss is **GRANTED**. Mikell's petition for writ of

habeas corpus, filed pursuant to 28 U.S.C. § 2254, is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 13 day of June, 2011.

  
B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA