

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

R.A. KENAN M.S.,

Petitioner,

v.

**CIVIL ACTION NO. 1:04CV144
(BROADWATER)**

UNITED STATES GOV.,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled matter came before the Court for consideration of the Report and Recommendation of the Honorable John S. Kaull, United States Magistrate Judge, dated June 14, 2005. On June 27, 2005, Petitioner filed a Motion for Rehearing and Reversal which this Court construes as his objections to the Report and Recommendation. After conducting a *de novo* review in accordance with 28 U.S.C. § 636(b)(1), the Court concludes that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted.

The Court further **ORDERS** that the petition be **DENIED and DISMISSED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Report and Recommendation. It is further **ORDERED** that Petitioner's motion to amend (**Docket number 4**) and motion for rehearing and reversal (**Docket number 6**) be and are hereby **DENIED**. It is further **ORDERED** that this action be and is hereby **STRICKEN** from the active docket of this Court.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

DATED this 22nd day of July 2005.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE

