

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

DARRIS HOWARD,

Petitioner,

vs.

1:07cv253/MP/MD

EDWIN G. BUSS,

Respondent.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation (doc. 41). The Petitioner previously has been furnished a copy of the Report and Recommendation and has been afforded an opportunity to file objections. Pursuant to Title 28, United States Code, Section 636(b)(1), I have made a de novo determination of those portions to which an objection has been made.

Having considered the Report and Recommendation and all objections thereto timely filed by the parties, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
  2. The Petition for Writ of Habeas Corpus (doc. 1) is DENIED with prejudice and judgment shall be entered accordingly.
  3. Certificate of appealability is denied pursuant to § 2254 Rule 11(a).
- DONE AND ORDERED this 28th day of October, 2011.

*s/ M. Casey Rodgers*

**M. CASEY RODGERS  
CHIEF UNITED STATES DISTRICT JUDGE**