

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

DANIEL DAVIS, III,

Petitioner,

v.

CASE NO. 1:10-cv-00069-MP-GRJ

SECRETARY, FLORIDA
DEPT. OF CORRECTIONS,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated August 23, 2013. (Doc. 37). The parties have been furnished a copy of the Report and Recommendation and have 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 any timely filed objections.

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

Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. The petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, (doc. 1) is DENIED.

3. A certificate of appealability is DENIED, pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the U.S. District Courts.

DONE AND ORDERED this 27th day of September, 2013

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge