

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

DAVID NIEVES,

Petitioner,

Case No. 1:11cv235/RV/GRJ

SECRETARY OF FLORIDA  
DEPARTMENT OF CORRECTIONS,

Respondent.

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ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated December 16, 2014. (Doc. 33). 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). No objections have been filed.

Having considered the Report and Recommendation, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The magistrate judge's Report and Recommendation (doc. 33) is adopted and incorporated by reference in this order.
2. The petition for writ of habeas corpus (doc. 1) is DENIED.
3. The clerk is directed to close the file.
4. A certificate of appealability is DENIED.

**ORDERED** on this 21st day of January, 2015.

/s/ Roger Vinson

**ROGER VINSON**  
**SENIOR UNITED STATES DISTRICT JUDGE**