

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

TED SMITH,

Petitioner,

v.

CASE NO. 1:11-cv-00265-MP-GRJ

WILLIAM S. BAXTER,
and FRANK E. SHEFFIELD,

Respondents.

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ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated February 6, 2015, which recommends that both the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 (doc. 4) and a certificate of appealability be denied. (Doc. 48). Petitioner has not objected to the recommendation, and the time for doing so has passed. Petitioner's copy of the Report and Recommendation was returned as undeliverable from the North Florida Evaluation and Treatment Center in Gainesville, Florida. (Doc. 49). It was also returned as undeliverable after it was sent to Petitioner at the North East Florida State Hospital, 7487 State Road 121 South, MacClenny, FL 32063. (Doc. 51). Finding no plain error, it is accordingly,

ORDERED AND ADJUDGED:

1. The Magistrate Judge's Report and Recommendation (doc. 48) is adopted and incorporated by reference in this order.
2. The petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254 (doc. 4), 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 20th day of March, 2015

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