

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

ALBERT KEITH HAYNES,

Petitioner,

v.

CASE NO. 1:12-cv-00270-MP-GRJ

KENNETH S TUCKER,

Respondent.

---

**ORDER**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated October 3, 2014. (Doc. 23). 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). Petitioner objected at Doc. 26. 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 motion to dismiss, Doc. 19, is GRANTED, and the petition dismissed.
3. A certificate of appealability is DENIED.

**DONE AND ORDERED** this 30th day of January, 2014

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