

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

ALVIN RUSSELL MCHELLON,

Petitioner,

v.

CASE NO. 1:13-cv-00064-MP-GRJ

KENNETH S TUCKER,

Respondent.

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated June 9, 2014. (Doc. 18). 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). The time for filing objections has passed, and none have been filed.

Having considered the Report and Recommendation, 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 at Doc. 11 is granted and the petition at Doc. 1 is dismissed with prejudice as untimely. A certificate of appealability is denied.

DONE AND ORDERED this 9th day of September, 2014

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