

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

SAMUEL JOSEPH GARDNER,

Petitioner,

v.

Case No. 1:17cv298-MW/GRJ

**SECRETARY, FLORIDA
DEPARTMENT OF CORRECTIONS,**

Respondent.

_____/

**ORDER ACCEPTING
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation, ECF No. 4, and has also reviewed *de novo* Petitioner's objections to the report and recommendation, ECF No. 5. Accordingly,

IT IS ORDERED:

The report and recommendation is **accepted and adopted**, over Petitioner's objections, as this Court's opinion. The Clerk shall enter judgment stating, "The petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, ECF No. 1, is **DISMISSED** for lack of jurisdiction. The Clerk is directed to send Petitioner the forms necessary to seek authorization from the Eleventh Circuit Court of Appeals to

file a second or successive petition.” The Clerk shall close the file.

SO ORDERED on January 3, 2018.

s/Mark E. Walker
United States District Judge