

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

KELLY E. WINGATE, JR.,

Petitioner,

v.

3:09cv10-WS/CJK

EDWIN G. BUSS,

Respondent.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation docketed July 18, 2011. See Doc. 31. The magistrate judge recommends that the petitioner's petition for writ of habeas corpus be denied. The petitioner has filed no objections to the report and recommendation.

This court having reviewed the magistrate judge's report and recommendation, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 31) is hereby ADOPTED and incorporated by reference into this order.
2. The petitioner's petition for writ of habeas corpus is DENIED.
3. The clerk shall enter judgment stating: "All claims are denied and the case is DISMISSED with prejudice."
4. A certificate of appealability is denied.

DONE AND ORDERED this 17th day of August, 2011.

s/ William Stafford _____
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE