

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

IVAN S. HARVEY,  
Petitioner,

vs.

Case No. 3:09cv43/LAC/CJK

KENNETH S. TUCKER,  
Respondent

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ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated September 27, 2011. (Doc. 53). 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). I have made a de novo determination of objections filed.

Having considered the Report and Recommendation, and the timely filed objections thereto, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. The petition for writ of habeas corpus (doc. 1) challenging the conviction and sentence in *State of Florida v. Ivan J. Harvey*, entered in the Circuit Court of Escambia County, Florida, case numbers 04-5775, 06-3599, 06-4302 and 06-4303 are DENIED, and the clerk is directed to close the file.

3. A certificate of appealability is DENIED.

DONE AND ORDERED this 21<sup>st</sup> day of October, 2011.

*s/L.A. Collier*

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LACEY A. COLLIER  
SENIOR UNITED STATES DISTRICT JUDGE