

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

JEFFEREY STOUDMIRE,

Petitioner,

v.

Case No. 3:09cv48/MCR/EMT

KENNETH S. TUCKER,

Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated August 30, 2011 (doc. 28). 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 court has made a de novo determination of the timely filed objections (doc. 32).

Having considered the Report and Recommendation, the record, and the timely filed objections, the court determines 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) is **DENIED**.
3. A certificate of appealability is **DENIED**.

DONE AND ORDERED this 8th day of November, 2011.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE