

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

CHARLES R. POPE,

Petitioner,

v.

3:09cv261/MCR/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 February 23, 2011 (doc. 31). The petitioner has been furnished a copy of the report and recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1), and I have made a de novo determination of those portions to which an objection has been made.¹

Having considered the report and recommendation and all objections thereto timely filed, I have determined that the report and recommendation should be adopted.

Accordingly, it is now ORDERED:

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. Charles Randall Pope* in the Circuit Court for Escambia County, Florida, Case No. 03-5974 is DENIED, and the clerk is directed to close the file.

¹ The court notes that the copy of the Report and Recommendation mailed to the petitioner was returned as undeliverable. However, the envelope in which it was enclosed was addressed by the clerk of court according to the magistrate judge's instructions based on information contained on the Department of Corrections' website, which indicates that the plaintiff was released on November 28, 2011, and provided the address specified by the magistrate judge as his residence upon release. In any event, it is the litigant's responsibility to keep the court apprised of his current address.

3. A certificate of appealability is DENIED.

DONE AND ORDERED this 4th day of May, 2012.

s/ M. Casey Rodgers

**M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE**