

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

STANLEY DELORD MARTIN,

Petitioner,

vs.

Case No. 3:10cv28/MCR/EMT

EDWIN G. BUSS,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated February 24, 2011. (Doc. 38). 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 any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, 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. Respondent's motion to dismiss (doc. 29) is **GRANTED**.
3. The amended petition for writ of habeas corpus (doc. 16) is **DISMISSED** with prejudice as untimely.
4. A certificate of appealability is **DENIED**.

DONE AND ORDERED this 11th day of March, 2011.

s/ M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE