

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

SIDNEY MARTS,
Petitioner,

vs.

Case No. 3:10cv240/LAC/EMT

KENNETH S. TUCKER,
Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated April 16, 2012 (doc. 73). 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 second amended petition for writ of habeas corpus (doc. 47) is **DENIED**.
3. Petitioner's "Motion for Evidentiary Hearing w/ Motion for Judgment [sic] on Pleadings" (doc. 71) is **DENIED**.

4. The Motion for Certificate of Appealability (doc. 76) is **DENIED** and a certificate of appealability is **DENIED**.

DONE AND ORDERED this 17th day of May, 2012.

s/L.A. Collier _____

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE