

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

**CANTON OMAR DISMUKES,**

**Petitioner,**

**v.**

**Case No.: 3:10cv295/MCR/MD**

**KENNETH S. TUCKER,**

**Respondent.**

**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated January 10, 2012. (Doc. 35). 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).

Having considered the Report and Recommendation, and no objections thereto having been 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. Petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus (doc. 1), challenging the conviction and sentence in State of Florida v. Dismukes in the Circuit Court of Escambia County, Florida, case no. 06-4810, is **DENIED** and the clerk is directed to close the file.

3. A certificate of appealability is **DENIED**.

**DONE AND ORDERED** this 17th day of February, 2012.

*s/ M. Casey Rodgers*

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