

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

ARTHUR BLACK,
Petitioner,

vs.

Case No. 3:10cv391/LAC/EMT

KENNETH S. TUCKER,
Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated August 26, 2011 (doc. 34). 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). No objections have been filed.

Having considered the Report and Recommendation, 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. 27) is **GRANTED**.
3. The petition for writ of habeas corpus (doc. 1) is **DISMISSED** with prejudice as untimely.
4. A certificate of appealability is **DENIED**.

DONE AND ORDERED this 30th day of September, 2011.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE