

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

RYAN THOMAS GREEN,
Petitioner,

v.

Case No.: 3:10cv418/MCR/MD

KENNETH S. TUCKER,
Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated November 17, 2011. 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 the court has made a de novo determination of those portions to which an objection has been made.

Having considered the report and recommendation and all objections thereto timely filed, the court concludes that the report and recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 23) is adopted and incorporated by reference in this order.
2. The motion to dismiss (doc. 22) is GRANTED.
3. The petition (doc. 1) is DISMISSED WITH PREJUDICE.
3. A certificate of appealability is DENIED.
4. The clerk is directed to close the file.

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

M. Casey Rodgers

M. CASEY ROGERS
CHIEF UNITED STATES DISTRICT JUDGE