

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

LARRY WAYNE HEBERT,

Petitioner,

v.

Case No.: 3:11cv37/MCR/EMT

KENNETH S. TUCKER,

Respondent.

\_\_\_\_\_ /

**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated February 14, 2012 (doc. 48). 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. The petition for writ of habeas corpus (doc. 10) is **DENIED**.
3. A certificate of appealability is **DENIED**.

**DONE AND ORDERED** this 4th day of April, 2012.

*s/ M. Casey Rodgers*

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