

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

**DONNIE LEON THOMAS,**

**Petitioner,**

**v.**

**Case No.: 3:11cv137/MCR/EMT**

**KENNETH S. TUCKER,**

**Respondent.**

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated July 20, 2012 (doc. 42). Plaintiff 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). 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 is DENIED.
3. A certificate of appealability is DENIED.

**DONE AND ORDERED** this 30th day of August, 2012.

*s/ M. Casey Rodgers*

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