

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

JOHNNY BRYANT GAFFORD,  
Petitioner,

vs.

Case No. 3:11cv227/LAC/CJK

MICHAEL D. CREWS,  
Respondent.

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ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated March 6, 2013. (Doc. 26). 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 the objections filed.

Having considered the Report and Recommendation, and the timely filed objections thereto, 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 amended petition for writ of habeas corpus (doc. 8), challenging the judgment of conviction and sentence in *State of Florida v. Johnny Bryant Gafford* in the Circuit Court for Okaloosa County, Florida, Case No. 05-CF-1311 is DENIED, and the clerk is directed to close the file.

3. A certificate of appealability is DENIED.

DONE AND ORDERED this 17<sup>th</sup> day of May, 2013.

*s/L.A. Collier*

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LACEY A. COLLIER  
SENIOR UNITED STATES DISTRICT JUDGE