

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

TIMOTHY A. SHANKLIN,
Petitioner,

v.

Case No.: 3:11cv357/RV/MD

KENNETH S. TUCKER,
Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated March 21, 2012. (Doc. 19). 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 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. Respondent's motion to dismiss (doc. 18) is GRANTED.
3. The 28 U.S.C. § 2254 petition for writ of habeas corpus (doc. 1), later amended (doc. 7), challenging the conviction and sentence in *State of Florida v. Shanklin* in the Circuit Court of Okaloosa County, Florida, case numbers 06-CF-2720, 07-CF-974 and 07-CF-975 be DISMISSED WITH PREJUDICE and the clerk is directed to close the file.
4. Certificate of appealability is DENIED.

DONE AND ORDERED this 23rd day of April, 2012.

s/ Roger Vinson _____

**ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE**