

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

BRIAN G. NASWORTHY,  
Petitioner,

vs.

Case No.: 3:11cv388/RV/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 August 1, 2012 (doc. 27). 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). No objections have been filed.

Having considered the Report and Recommendation, 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. 1) is **DENIED**.
3. A certificate of appealability is **DENIED**.

**DONE AND ORDERED** this 12th day of September, 2012.

*/s/ Roger Vinson* \_\_\_\_\_

**ROGER VINSON**  
**SENIOR UNITED STATES DISTRICT JUDGE**