

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

MARCUS D. MITCHELL,
Petitioner,

vs.

Case No.: 3:12cv137/RV/EMT

MICHAEL D. CREWS,
Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated April 1, 2013, and supplement thereto dated April 3, 2013 (docs. 27, 30). The parties have been furnished a copy of the Report and Recommendation and supplement, 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 all timely filed objections.

Having considered the Report and Recommendation, as supplemented, and any timely filed 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, as supplemented, is adopted and incorporated by reference in this order.
2. Respondent's motion to dismiss (doc. 18) is **GRANTED**.
3. The amended petition for writ of habeas corpus (doc. 5) is **DISMISSED** with prejudice as untimely.
4. A certificate of appealability is **DENIED**.

DONE AND ORDERED this 17th day of May, 2013.

/s/ Roger Vinson _____
ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE