

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

KENNETH TARRELL PENTON,  
Petitioner,

vs.

3:12cv176/RV/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 April 19, 2013. The petitioner 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). 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:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. The respondent's motion to dismiss (doc. 17) is GRANTED.
3. The petition for writ of habeas corpus (doc. 1), challenging petitioner's judgment of conviction and sentences in *State of Florida v. Kenneth Tarrell Penton* in the Circuit Court for Escambia County, Florida, Case No. 05-1572, is DISMISSED WITH PREJUDICE, and the Clerk is directed to close the file.

4. A certificate of appealability is DENIED.

DONE AND ORDERED this 30th day of May, 2013.

*/s/ Roger Vinson*

ROGER VINSON

SENIOR UNITED STATES DISTRICT JUDGE