

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

GLENN DOUGLAS KELLEY,  
Petitioner,

vs.

3:12cv236/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 January 18, 2013. (Doc. 19). 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 petitioner's motion for voluntary dismissal (doc. 18) is GRANTED.
3. The respondent's motion to dismiss (doc. 15) is DENIED as moot.
4. The petition for writ of habeas corpus (doc. 1) challenging petitioner's judgment of conviction and sentences in *State of Florida v. Glenn Douglas Kelley*, Escambia County Circuit Court Case No. 08-CF-5944, is DISMISSED WITHOUT

PREJUDICE except as to any application of the federal statute of limitations or other procedural bar.

5. The clerk is directed to close the file.

DONE AND ORDERED this 26<sup>th</sup> day of February, 2013.

*s/L.A. Collier*

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LACEY A. COLLIER  
SENIOR UNITED STATES DISTRICT JUDGE