

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

RANDY LAVERN SPENCER,
Petitioner,

v.

CASE NO.: 3:12cv246/MCR/CJK

R.P. TIFFT, et al.,
Respondents.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated June 3, 2013. (Doc. 68). The petitioner previously 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). The petitioner filed a timely objection (doc. 69).

Having considered the report and recommendation and all timely filed objections, the court has determined that the report and recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 68) is adopted and incorporated by reference in this order.
2. The petition for writ of habeas corpus filed under 28 U.S.C. § 2254 (doc. 1) is DENIED, with prejudice.
3. A certificate of appealability is DENIED.
4. The Clerk is directed to close the file.

DONE AND ORDERED this 25th day of July, 2013.

M. Casey Rodgers _____

**M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE**