

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

DANA G. SMITH,

Petitioner,

v.

Case No. 3:12cv326/LC/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 24, 2014. (Doc. 25). 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). I have made a *de novo* determination of those portions to which an objection has been made.

Having considered the Report and Recommendation and the objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The magistrate judge's Report and Recommendation (doc. 25) is adopted and incorporated by reference in this order.

2. The petition for writ of habeas corpus (doc. 1), challenging the judgment of conviction and sentence in *State of Florida v. Dana Gamaliel Smith*, Escambia County, Florida Circuit Court Case Number 07-CF-4037, is DENIED, and the clerk is directed to close the file.

3. A certificate of appealability is DENIED.

ORDERED on this 13th day of May, 2014.

s/L.A. Collier

LACEY A. COLLIER

SENIOR UNITED STATES DISTRICT JUDGE