

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

TERRY L. MIXON,
Petitioner,

vs.

3:13cv126/MCR/CJK

STATE OF FLORIDA,
Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated April 16, 2013. (Doc. 5). 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), and the court has made a de novo determination of those portions to which an objection has been made.¹

Having considered the report and recommendation and the record, the court has 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 "Petition for Writ of Habeas Corpus – Motion to Vacate, Set Aside – Negligence" (doc. 1) is DISMISSED WITHOUT PREJUDICE as an unauthorized second or successive habeas corpus application.
3. The Clerk is directed to close the file and to send petitioner the Eleventh Circuit's form application for leave to file a second or successive petition.

¹No timely objections were filed.

4. A certificate of appealability is DENIED.

DONE AND ORDERED this 24th day of May, 2013.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE