

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

DAVID PENTECOST,

Petitioner,

v.

Case No. 3:13cv166/MCR/CJK

MICHAEL D. CREWS,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated March 27, 2014. (Doc. 17). 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). The Court has made a *de novo* determination of those portions to which a timely objection has been made.¹

Having considered the Report and Recommendation and all objections thereto timely filed, the Court has determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation (doc. 17) is adopted and incorporated by reference in this order.
2. Respondent's motion to dismiss (doc. 13) is **GRANTED**.
3. The petition for writ of habeas corpus (doc. 1), challenging petitioner's judgment

¹ No timely objections have been filed.

of conviction and sentence in *State of Florida v. David Duane Pentecost* in the Circuit Court for Escambia County, Florida, Case No. 87-93, is **DISMISSED WITH PREJUDICE**.

4. The Clerk is directed to close the file.

5. A certificate of appealability is **DENIED**.

DONE AND ORDERED this 30th day of April, 2014.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE