

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

DUANE V. STROUT,

Petitioner,

v.

Case No. 3:13cv314/LC/CJK

STATE OF FLORIDA, et al.,

Respondents.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated August 12, 2013. (Doc. 7). 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). 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 as follows:

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

2. The amended petition for writ of habeas corpus filed under 28 U.S.C. § 2254 (doc. 6) is DISMISSED for lack of subject-matter jurisdiction, and the clerk is directed to close the file.

3. A certificate of appealability is DENIED.

DONE AND ORDERED this 23rd day of September, 2013.

s/L.A. Collier _____

LACEY A. COLLIER

SENIOR UNITED STATES DISTRICT JUDGE