

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

BILLY RAY BURNS,

Petitioner,

v.

CASE NO. 3:13cv393/MCR/EMT

MICHAEL CREWS,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated August 26, 2014 (doc. 28). 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 any timely filed objections.

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

Accordingly, it is now **ORDERED** as follows:

1. The chief magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. Respondent's motion to dismiss (doc. 23) is **GRANTED**.
3. The petition for writ of habeas corpus (doc. 1) is **DISMISSED with prejudice** as untimely.
4. A certificate of appealability is **DENIED**.

DONE AND ORDERED this 29th day of September 2014.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE