

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

WILLIE F. HALE

Petitioner,

v.

Case No. 3:13cv514/RV/CJK

**FLORIDA DEPARTMENT OF
CORRECTIONS,**

Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated September 25, 2013. (Doc. 5). 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 all 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. 5) is adopted and

incorporated by reference in this order.

2. To the extent petitioner seeks habeas corpus relief under 28 U.S.C. § 2254, the petition is DISMISSED WITHOUT PREJUDICE as an unauthorized second or successive habeas corpus application.

3. To the extent petitioner seeks mandamus relief, the petition is DISMISSED WITH PREJUDICE for lack of jurisdiction.

4. The Clerk shall close the file.

5. A certificate of appealability is DENIED

DONE AND ORDERED this 2nd day of October, 2013.

/s/ Roger Vinson

ROGER VINSON

SENIOR UNITED STATES DISTRICT JUDGE