

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

KAYLE SMITH,

Petitioner,

v.

Case No.: 3:14cv195/MCR/EMT

JULIE L. JONES,

Respondent.

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ORDER

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated January 13, 2015. (Doc. 31). 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. 18) is **GRANTED IN PART** as follows:
 - a. Respondent's motion is **GRANTED** as to Grounds One through Five, Nine through Eleven, and Thirteen of Petitioner's habeas petition (doc. 1); and
 - b. Respondent motion to dismiss is **DENIED without prejudice** as to Ground Twelve of Petitioner's habeas petition.
3. Grounds One through Eleven and Thirteen of Petitioner's habeas petition (doc. 1) are **DISMISSED with prejudice**.

4. The matter is hereby remanded to the assigned magistrate judge for further proceedings on Ground Twelve of Petitioner's habeas petition.

DONE AND ORDERED this 9th day of February 2015.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE