

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

JAWORSKI LEE SIMMONS,

Petitioner,

v.

Case No. 3:14cv374/MCR/CJK

JULIE L. JONES,

Respondent.

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ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated June 26, 2015. (Doc. 20). 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. 20) is adopted and incorporated by reference in this order.
2. Respondent's motion to dismiss (doc. 16) is GRANTED.
3. The petition for writ of habeas corpus (doc. 1), challenging petitioner's judgment of conviction and sentence in *State of Florida v. Jaworski Lee Simmons* in the Circuit Court for Escambia County, Florida, Case No. 09-CF-5908, is DISMISSED WITH PREJUDICE.
4. The clerk is directed to close the file.

5. A certificate of appealability is DENIED.

DONE AND ORDERED this 4th day of September, 2015.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE