

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

RANDALL LAY,

Petitioner,

vs.

Case No. 3:14cv625-MCR/CAS

**SECRETARY, Florida Department
of Corrections,**

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation (Doc. 15). The Plaintiff has previously been furnished a copy of the Report and Recommendation and has 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 by the parties, 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. Respondent's motion to dismiss (Doc. 11) is **GRANTED**, and the § 2254 petition for writ of habeas corpus (Doc. 1) is **DISMISSED**.
3. A certificate of appealability is **DENIED**, and leave to appeal in forma pauperis is also **DENIED**.

DONE AND ORDERED this 27th day of July, 2015.

s/ M. Casey Rodgers _____

**M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE**