

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

**LEVONNE CORTEZ MCDOWELL,**

**Petitioner,**

**v.**

**Case No. 3:15cv313/MCR/CJK**

**JULIE L. JONES,**

**Respondent.**

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**ORDER**

This cause is before the Court on consideration of the Magistrate Judge's Report and Recommendation dated October 24, 2017. ECF No. 29. 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). No timely objections have been filed.

Having considered the Report and Recommendation and the record, the Court has determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation, ECF No. 29, is adopted and incorporated by reference in this Order.
2. Respondent's motion to dismiss, ECF No. 27, 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. Levonne Cortez McDowell*, Escambia County Circuit Court Case No. 2007-CF-5306, is **DISMISSED WITH PREJUDICE**.

4. The Clerk is directed to close the file.

5. A certificate of appealability is **DENIED**.

**DONE AND ORDERED** this 27th day of November, 2017.

*M. Casey Rodgers*

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