

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

DARYL LAMONT JOYCE, JR.,

Petitioner,

v.

CASE NO. 3:15cv408/MCR/CJK

**FLORIDA DEPARTMENT OF
CORRECTIONS SECRETARY,**

Respondent.

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ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated May 25, 2017. ECF No. 15. 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, ECF No. 15, is adopted and incorporated by reference in this Order.
2. The petition for writ of habeas corpus, ECF No. 1, challenging the judgment of conviction and sentence in *State of Florida v. Daryl Lamont Joyce, Jr.*, Escambia County Circuit Court Case No. 09-CF-4118, is DENIED.
3. The clerk is directed to close the file.
4. A certificate of appealability be DENIED.

DONE AND ORDERED this 22nd day of September, 2017.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE