

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

NICHOLAS NAPOLITANO,  
Petitioner,

vs.

Case No.: 3:15cv456/LAC/EMT

SECRETARY, FLORIDA DEPARTMENT  
OF CORRECTIONS,  
Respondent.

---

**ORDER**

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated November 21, 2016 (ECF No. 16). 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 the objections filed.

Having considered the Report and Recommendation, and the timely filed objections thereto, 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. The petition for writ of habeas corpus (ECF No. 1) is **DENIED**.
3. A certificate of appealability is **DENIED**.

**DONE AND ORDERED** this 23<sup>rd</sup> day of December, 2016.

s/L.A. Collier

**LACEY A. COLLIER**  
**SENIOR UNITED STATES DISTRICT JUDGE**