

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

ROBERT RANDALL MULLINS,

Petitioner,

v.

Case No. 3:16cv080-RV/CAS

**FLORIDA DEPARTMENT OF
CORRECTIONS SECRETARY,**

Respondent.

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ORDER

This matter is before the Court on the Report and Recommendation of the U.S. Magistrate Judge dated May 3, 2017 (ECF No. 25), that Respondent's amended motion to dismiss (ECF No. 23) be granted and the petition for writ of habeas corpus (ECF No. 1), filed pursuant to 28 U.S.C. § 2254, be dismissed as untimely. The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant 28 U.S.C. § 636(b)(1). No objections have been filed. Having considered the Report and Recommendation, I have determined the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The Report and Recommendation (ECF No. 25) is adopted and incorporated by reference in this order.

2. The Clerk shall enter judgment stating, “Respondent’s amended motion to dismiss (ECF No. 23) is **GRANTED** and the petition for writ of habeas corpus (ECF No. 1) is **DISMISSED as untimely**. Any certificate of appealability is **DENIED** and leave to appeal in forma pauperis is also **DENIED.**”

3. The Clerk shall close the file.

DONE AND ORDERED on this 5th day of June, 2017.

s/ Roger Vinson

ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE