

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

DAVID BUCK CULVER,

Petitioner,

v.

Case No. 3:16cv114-LC/CAS

**JULIE JONES, Secretary,
Florida Department of Corrections,**

Respondent.

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ORDER

This matter is before the Court on the Report and Recommendation of the U.S. Magistrate Judge dated January 20, 2017 (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 28 U.S.C. § 636(b)(1). No objections have been filed.

Petitioner has been granted one extension of time to file objections. ECF No. 18. Petitioner has filed a second request for an extension of time, ECF No. 19, which is denied.

Having considered the Report and Recommendation, I have determined the Report and Recommendation should be adopted.

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

1. Petitioner's second request for an extension of time to file objections to the Report and Recommendation (ECF No. 19) is **DENIED**.

2. The Report and Recommendation (ECF No. 16) is adopted and incorporated by reference in this order.

3. Respondent's motion to dismiss (ECF No. 13) is **GRANTED** and the petition for writ of habeas corpus filed by David Buck Culver pursuant to 28 U.S.C. § 2254 (ECF No. 1) is **DISMISSED**. Any certificate of appealability is **DENIED** and leave to appeal in forma pauperis is also **DENIED**.

4. The Clerk shall enter judgment and close the file.

DONE AND ORDERED on this 7th day of April, 2017.

s/ L.A. Collier

LACEY A. COLLIER

SENIOR UNITED STATES DISTRICT JUDGE