

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

MATTHEW AMEZQUITA,

Petitioner,

v.

CASE NO. 3:16cv176-MCR/CAS

STATE OF FLORIDA,

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation of the U.S. Magistrate Judge dated May 8, 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). I have made a *de novo* review of any timely filed objections.

Having considered the Report and Recommendation, and any objections filed thereto, I have determined the Report and Recommendation should be adopted.

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

1. The Report and Recommendation, ECF No. 16, is adopted and incorporated by reference in this Order.

2. Respondent's motion to dismiss, ECF No. 14, is **GRANTED** and the amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, ECF No. 8, is **DISMISSED as untimely**.

3. A certificate of appealability is **DENIED** pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the U.S. District Courts.

DONE AND ORDERED this 3rd day of July, 2017.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE