

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

EUGENE SMITH,

Petitioner,

v.

Case No. 3:16cv199-LC/CAS

JULIE L. JONES,

Respondent.

_____ /

ORDER

This matter is before the Court on the Report and Recommendation of the U.S. Magistrate Judge dated April 19, 2017 (ECF No. 23). 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 determination of the objections filed.

Having considered the Report and Recommendation, and the objections 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. 23) is adopted and incorporated by reference in this order.

3. Respondent's motion to dismiss (ECF No. 18) is **GRANTED** and the petition for writ of habeas corpus filed by Eugene Smith pursuant to 28 U.S.C. § 2254 (ECF No. 1) is **DISMISSED as untimely**. 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 8th day of June, 2017.

s/ L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE