

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

**ALVAH T. WICKBOLDT,**

**Petitioner,**

**v.**

**Case No. 3:16cv217/MCR/CJK**

**JULIE JONES,**

**Respondent.**

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**ORDER**

This cause comes before the Court on consideration of the Magistrate Judge's Report and Recommendation dated April 13, 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 to Title 28, United States Code, Section 636(b)(1). The Court has made a de novo determination of those portions to which an objection has been made.

Having considered the Report and Recommendation and all objections thereto timely filed, the Court has determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation, ECF No. 23, is adopted and incorporated by reference in this Order.
2. Respondent's motion to dismiss, ECF No. 17, is GRANTED.
3. The petition for writ of habeas corpus, ECF No. 1, challenging petitioner's judgment of conviction and sentence in *State of Florida v. Alvah Tyson Wickboldt*, Escambia County Circuit Court Case No. 10-CF-3218, is DISMISSED WITH PREJUDICE.
4. The clerk is directed to close the file.
5. A certificate of appealability is DENIED.

**DONE AND ORDERED** this 12th day of May, 2017.

*M. Casey Rodgers*

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**M. CASEY RODGERS**  
**CHIEF UNITED STATES DISTRICT JUDGE**