

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

MICHAEL A EVANS,

Petitioner,

v.

CASE NO. 3:17-cv-1-LC-GRJ

SANTA ROSA COUNTY,

Respondent.

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ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated June 23, 2017 (ECF No. 9). 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). No objections have been filed.

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

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

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. With respect to Petitioner's challenge to his 2004 Okaloosa County

misdemeanor conviction, the Petition (ECF No. 8) is successive and is **DISMISSED** for lack of jurisdiction because Petitioner has not obtained authorization from the Eleventh Circuit Court of Appeals to file a successive habeas petition.

3. With respect to Petitioner's challenge to his present confinement stemming from charges of driving on a suspended license, Petitioner concedes that he has not yet exhausted state court remedies and has postconviction motions pending in state court. Therefore, Petitioner's claims in the Petition (ECF No. 8) relating to his present confinement are **DISMISSED** without prejudice for failure to exhaust state-court remedies.

4. A Certificate of Appealability is **DENIED**.

DONE AND ORDERED this 16th day of August 2017.

s/L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE