

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

AUGUSTA F. KENNEDY,

Petitioner,

v.

CASE NO. 3:17cv020-MCR/CAS

**FLORIDA DEPARTMENT OF
CORRECTIONS SECRETARY,**

Respondent.

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ORDER

This cause comes on for consideration upon the United States Magistrate Judge's Report and Recommendation dated January 17, 2018. ECF No. 21. The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). Petitioner filed objections on March 27, 2018. ECF No 26. I have made a *de novo* determination of the timely filed objections.

Having fully considered the Report and Recommendation, the objections, and the record, 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. Respondent's motion to dismiss, ECF No. 16, is **GRANTED**.
3. Petitioner's petition pursuant to 28 U.S.C. § 2254, ECF No. 1, is **DISMISSED** as untimely pursuant to 28 U.S.C. § 2244(d)(1).
4. 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 25th day of May 2018.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE