

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

CHARLES M. SMITH,

Petitioner,

v.

Case No. 3:17cv159/RV/CJK

JULIE JONES,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated January 9, 2018. (Doc. 16). 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). I have made a *de novo* determination of those portions to which an objection has been made.

Having considered the Report and Recommendation and the objections thereto timely filed (doc. 19), I have determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation (doc. 16) is adopted and incorporated by reference in this order.

2. Respondent's motion to dismiss (doc. 12) is **GRANTED**

3. The petition for writ of habeas corpus (doc. 1), challenging petitioner's judgment of conviction and sentence in *State of Florida v. Charles Milton Smith*, Santa Rosa County Circuit Court Case No. 2014-CF-1135, is **DISMISSED WITH PREJUDICE**.

4. The clerk is directed to close the file.

5. A certificate of appealability is **DENIED**.

ORDERED on this 8th day of February, 2018.

/s/ Roger Vinson _____

ROGER VINSON

SENIOR UNITED STATES DISTRICT JUDGE