

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

ANTHONY J. FAILS,

Petitioner,

v.

Case No. 3:17cv166-MCR/CAS

DEPARTMENT OF CORRECTIONS,

Respondent.

_____ /

ORDER

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge (ECF No. 10) that the case be dismissed. 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). The Court has made a *de novo* determination of the timely-filed objections (ECF No. 11).

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

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

1. The Report and Recommendation (ECF No. 10) is adopted and incorporated by reference in this Order.

2. The § 2254 petition for writ of habeas corpus (ECF No. 1) is **DISMISSED**.

3. A certificate of appealability is **DENIED** and leave to appeal in forma pauperis is also **DENIED**.

DONE AND ORDERED this 11th day of May, 2017.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE