

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

FREDDIE FOUNTAIN,

Petitioner,

v.

Case No. 3:17cv211-LC-CJK

FLORIDA DEPARTMENT OF
CORRECTIONS SECRETARY,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated May 9, 2018. (Doc. 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). 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, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation (doc. 23) is adopted and incorporated by reference in this order.

2. Respondent's motion to dismiss (doc. 18) 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. Freddie Dayshen Fountain, III*, Escambia County Circuit Court Case No. 2013-CF-214, is DISMISSED WITH PREJUDICE.

4. The clerk is directed to close the file.

5. A certificate of appealability is DENIED.

ORDERED on this 29th day of May, 2018.

s/L. A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE