

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

GEORGE ELMER HYSMITH,

Petitioner,

v.

Case No. 3:17cv473-LC-CJK

JULIE L. JONES,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated October 22, 2018. (Doc. 21). The parties were furnished a copy of the Report and Recommendation and 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 it should be adopted.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation (doc. 21) 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. George Elmer Hysmith*, Santa Rosa County Circuit Court Case No. 2009-CF-355, is DISMISSED WITH PREJUDICE.

4. The clerk is directed to close the file.

5. A certificate of appealability is DENIED.

ORDERED on this 21st day of November, 2018.

s/L. A. Collier
LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE