

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

VANCE AURIS MCMILLAN,

Petitioner,

v.

Case No. 3:17cv876-LC-HTC

MARK S INCH,

Respondent.

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ORDER

The magistrate judge issued a Report and Recommendation on October 8, 2020 (ECF No. 35). 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). I have made a *de novo* determination of the timely filed objections.

Having considered the Report and Recommendation, and the objections thereto, I have determined the Report and Recommendation should be adopted.

Accordingly, it is **ORDERED**:

1. The magistrate judge's Report and Recommendation (ECF No. 35) is adopted and incorporated by reference in this order.

2. The amended petition under 28 U.S.C. § 2254, challenging the conviction in *State v. McMillan*, 2013-CF-0729, in the First Judicial Circuit, in and for Santa Rosa County, Florida, ECF Doc. 7, is DENIED without an evidentiary hearing.

3. A certificate of appealability is DENIED.

4. The clerk of court is directed to enter judgment accordingly and close this case.

DONE AND ORDERED this 6th day of January, 2021.

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