

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

CHERYL LOUISE MARCHESE,

Petitioner,

v.

CASE NO. 3:18cv544-MCR/CAS

FLORIDA STATE HOSPITAL,

Respondent.

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ORDER

This matter is before the Court on the Report and Recommendation of the U.S. Magistrate Judge dated October 19, 2018. ECF No. 8. 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). I have made a *de novo* determination of any objections timely filed.

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

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

1. The Report and Recommendation, ECF No. 8, is adopted and incorporated by reference in this Order.

2. Respondent's motion to dismiss, ECF No. 7, is **GRANTED**.

3. The § 2254 petition for writ of habeas corpus, ECF No. 1, is
DISMISSED.

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

DONE AND ORDERED this 19th day of November 2018.

s/ M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE