

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

**DAVID L. NICKELSON,**

**Petitioner,**

**v.**

**Case No. 3:18cv2196-LC/CAS**

**SECRETARY, FLORIDA  
DEPARTMENT OF CORRECTIONS,**

**Respondent.**

**ORDER**

This matter is before the Court on the Report and Recommendation of the U.S. Magistrate Judge dated September 19, 2019 (ECF No. 17), that Respondent's motion to dismiss (ECF No. 14) be granted and the petition for writ of habeas corpus (ECF No. 1), filed pursuant to 28 U.S.C. § 2254, be dismissed as untimely. 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 the objections filed.

Having considered the Report and Recommendation, and the objections 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. 17) is adopted and incorporated by reference in this order.
2. The Clerk shall enter judgment stating, "Respondent's motion to dismiss (ECF No. 14) is **GRANTED** and the petition for writ of habeas corpus (ECF No. 1) is **DISMISSED**. Any certificate of appealability is **DENIED** and leave to appeal in forma pauperis is also **DENIED**."
3. The Clerk shall close the file.

**DONE AND ORDERED** on this 10<sup>th</sup> day of October, 2019.

*s/L.A. Collier* \_\_\_\_\_

**LACEY A. COLLIER**  
**SENIOR UNITED STATES DISTRICT JUDGE**