

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

JOHN GAY,
Petitioner,

v.

Case No. 3:19cv63-RV-HTC

SECRETARY of the DEPARTMENT
OF CORRECTIONS,
Respondent.

ORDER

This case is before the Court based on the Magistrate Judge's Report and Recommendation dated May 11, 2021 (Doc. 31), recommending that the petitioner's amended petition under 28 U.S.C. § 2254 be denied without an evidentiary hearing. The petitioner was furnished a copy of the Report and Recommendation and was afforded an opportunity to file an objection pursuant to Title 28, United States Code, Section 636(b)(1), which he did (Doc. 32). Having reviewed the objection *de novo*, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** that:

1. The Magistrate Judge's Report and Recommendation (Doc. 31) is adopted and incorporated by reference in this Order.

2. The amended petition, ECF Doc. 15, is DENIED without an evidentiary hearing.
3. A certificate of appealability is DENIED.
4. The clerk is directed to close the file.

DONE AND ORDERED this 3rd day of June, 2021.

s/Roger Vinson
ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE