

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

LUTHER ARTHUR HORN, III,

Petitioner,

v.

Case No. 3:20cv5101-LC-HTC

MARK S INCH,

Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated September 15, 2020 (ECF No. 14). The parties have been furnished a copy of the Report and Recommendation and have been 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 objection and its supplement.

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

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

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.

2. The motion to dismiss (ECF Doc. 11) is GRANTED, and the petition for writ of habeas corpus under 28 U.S.C. § 2254 (ECF Doc. 1) is DISMISSED WITHOUT PREJUDICE.
3. A certificate of appealability is DENIED.
4. The Clerk is directed to close the file.

DONE AND ORDERED this 16th day of October, 2020.

s/L.A. Collier _____

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE