

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

RICHARD MICHAEL ANTHONY LEE,
Petitioner,

vs.

Case No.: 3:20cv5702/LAC/EMT

MARK INCH,
Respondent.

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ORDER

The chief magistrate judge issued a Report and Recommendation on March 17, 2021 (ECF No. 26). 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 (ECF No 29).

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 chief magistrate judge's Report and Recommendation (ECF No. 26) is adopted and incorporated by reference in this order.
2. The Second Amended Petition (ECF No. 21) is **DISMISSED for lack of jurisdiction**, pursuant to 28 U.S.C. § 2244(b).

3. A certificate of appealability is **DENIED**.
4. The clerk of court is directed to enter judgment in accordance with this order and close the case.

DONE AND ORDERED this 27th day of April, 2021.

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