

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

JOSUE POLYCARPE,

Petitioner,

vs.

CASE NO. 4:08-cv-439-SPM/GRJ

SECRETARY, FLORIDA DEPARTMENT
OF CORRECTIONS,

Respondent.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court for consideration of the Magistrate Judge's Report and Recommendation (doc. 36). Petitioner has been afforded an opportunity to file objections. No objections were filed. Upon consideration, I have determined that the Report and Recommendation is correct and should be adopted.

Accordingly, it is hereby ORDERED and ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 36) is **adopted** and incorporated by reference into this order.
2. The Amended Petition for a Writ of Habeas Corpus (doc. 5) is **denied**.

3. A certificate of appealability is **denied**.

DONE AND ORDERED this 15th day of December, 2011.

S/ Stephan P. Mickle

Stephan P. Mickle

Senior United States District Judge