

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

SCOTT A. STANLEY,

Petitioner,

v.

CASE NO.: 4:09CV164-SPM/MD

SECRETARY KENNETH S. TUCKER,

Respondent.

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**ORDER**

THIS CAUSE comes before the Court for consideration of the magistrate judge's report and recommendation (doc. 22) dated July 18, 2012. Petitioner has filed objections (doc. 27) pursuant to Title 28, United States Code, Section 636(b)(1). Despite the objections, I have determined that the report and recommendation should be adopted.

The Court agrees with the magistrate judge's report and recommendation in its totality. In response to Petitioner's objection, there is one point to reiterate regarding the procedurally defaulted claims in Grounds 1 and 3A. Petitioner knew he had the option to pursue a direct appeal of his conviction, but he chose not to. See doc. 12 at p. 24. Petitioner made no attempt to raise these issues, either through appointed counsel or through a supplemental pro se briefing, which he

could have sought leave of court to file. See Hill v. State, 656 So.2d 1271, 1272 (Fla. 1995) (permitting Defendant to file pro se supplemental brief). Based on the foregoing, it is

ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 22) is ADOPTED and incorporated by reference in this order.

2. The petition for writ of habeas corpus (doc. 1) challenging the conviction and sentence in State of Florida v. Stanley, in the Circuit Court of Leon County, Florida, case number 05CF03352, is denied. The clerk is directed to close the file.

3.. No certificate of appealability will be issued because Petitioner has failed to make a substantial showing of the denial of a constitutional right and error on the procedural issues

DONE AND ORDERED this 11th day of September, 2012.

*s/ Stephan P. Mickle*  
Stephan P. Mickle  
Senior United States District Judge