

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

SAMUEL BOOTH,

Petitioner,

v.

CASE NO. 4:10cv314-MP-WCS

KENNETH S. TUCKER,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated December 7, 2011. (Doc. 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 any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, 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 the habeas petition as untimely (doc. 12) is granted, this case is dismissed, and the Clerk is directed to close the file.
3. A certificate of appealability is denied pursuant to § 2254 Rule 11(a).

DONE and ORDERED this 19th day of January, 2012.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE