

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

CURTIS THOMAS, JR.,

Petitioner,

v.

Case No. 4:11cv164/MCR/CAS

MICHAEL D. CREWS,

Respondent.

ORDER

This cause is before the Court on consideration of the Magistrate Judge's Report and Recommendation dated December 19, 2013. (Doc. 22). 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). No timely objections have been made. Having fully considered the Report and Recommendation and the record, the Court concludes that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation (doc. 22) is adopted and incorporated by reference in this order.
2. Respondent's Motion to Dismiss (doc. 14) is **GRANTED**, and the § 2254 Petition for Writ of Habeas Corpus is **DISMISSED AS UNTIMELY**.
3. The Clerk shall close the file.
4. A certificate of appealability and leave to appeal *in informia pauperis* are **DENIED**.

**DONE AND ORDERED** this 30th day of January, 2014.

s/ M. Casey Rodgers  
**M. CASEY RODGERS**  
**CHIEF UNITED STATES DISTRICT JUDGE**