

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

DEXTER W WHITE,

Petitioner,

v.

CASE NO. 4:11-cv-00173-MP-CAS

KENNETH S. TUCKER, Secretary,
Florida Department of Corrections

Respondent.

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated October 18, 2012. (Doc. 40). 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 hereby **ORDERED AND ADJUDGED:**

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. The amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. 26) is DENIED.

3. A certificate of appealability is DENIED pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the U.S. District Courts.

DONE AND ORDERED this 12th day of December, 2012

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge