

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

ROBERT L. ROWLAND,

Petitioner,

v.

Case No.: 4:12cv297/MCR/CAS

STATE OF FLORIDA,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated September 5, 2013. (Doc. 24). 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 filed.

Having considered the Report and Recommendation, the court concludes 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. Respondent's motion to dismiss (doc. 20) is **GRANTED**.
3. Petitioner's habeas petition (doc. 1) is summarily **DISMISSED** as untimely.
4. A certificate of appealability is **DENIED**.
5. Request for leave to appeal *in forma pauperis* is **DENIED**.

DONE and ORDERED this 16th day of October, 2013.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE