

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

JAMES RUSSELL BEAHR,

Petitioner,

v.

Case No. 4:12cv298-MW/CAS

**TIMOTHY H. CANNON, Interim
Secretary, Department of Corrections,**

Respondent.

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**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION**

This Court has considered the Magistrate's Report and Recommendation to Deny § 2254 Petition. ECF No. 21. Upon consideration, no objections having been filed by Petitioner,

IT IS ORDERED:

The report and recommendation is **accepted and adopted** as this Court's opinion. The Clerk shall enter judgment stating, "Petitioner's § 2254 petition, ECF No. 1, is **DENIED**. A certificate of appealability is **DENIED**. Leave to appeal in forma pauperis is **DENIED**." The Clerk shall **substitute** Timothy H. Cannon for

Michael Crews as Respondent. The Clerk shall close the file.

SO ORDERED on January 16, 2015.

s/Mark E. Walker
United States District Judge