

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

OSWALD NEWBOLD, II,

Petitioner,

v.

4:12cv307-WS

SECRETARY, FLORIDA  
DEPARTMENT OF CORRECTIONS,

Respondent.

---

ORDER DENYING PETITIONER'S PETITION  
FOR WRIT OF HABEAS CORPUS

Before the court is the magistrate judge's report and recommendation docketed May 15, 2015. See Doc. 25. The magistrate judge recommends that the petitioner's petition for writ of habeas corpus be DENIED. The petitioner has filed objections (doc. 26) to the magistrate judge's report and recommendation.

Petitioner Newbold brings this habeas petition pursuant to 28 U.S.C. § 2254, challenging the execution of his state court sentence. Specifically, he alleges that the Florida Department of Corrections violated his federal constitutional rights by miscalculating his release date, keeping him in prison for a period longer than that

imposed by the state court. That claim was decided—on the merits—adversely to the petitioner by the state circuit and appellate courts.

Under § 2254(d), a federal court may not grant habeas relief on claims that were previously adjudicated in state court *on the merits* unless the state court's adjudication resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Supreme Court holdings or resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceedings. 28 U.S.C. § 2254(d)(1)-(2). Because Newbold has failed to show that the state court adjudication (1) was based on an unreasonable determination of the facts, or (2) resulted in a decision contrary to, or involved an unreasonable application of, clearly established federal law, the petitioner's § 2254 petition must be denied.

Accordingly, it is ORDERED:

1. The petitioner's petition for writ of habeas corpus (doc. 7) is DENIED.
2. The clerk shall enter judgment stating: "The petitioner's petition for writ of habeas corpus is DENIED."
3. A certificate of appealability is DENIED.

DONE AND ORDERED this 17th day of June, 2015.

s/ William Stafford  
WILLIAM STAFFORD  
SENIOR UNITED STATES DISTRICT JUDGE