

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

DWAYNE CLINE NIMMONS,

Petitioner,

v.

Case No.: 4:12cv349/MCR/GRJ

SECRETARY, DEPT.
OF CORRECTIONS,

Defendant.

_____/

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated April 11, 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). 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 now **ORDERED** as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. The defendant's motion to dismiss (doc. 16) is **GRANTED**.
3. The petition for a writ of habeas corpus (doc. 1) is **DENIED**.
4. A certificate of appealability is **DENIED**.

DONE AND ORDERED this 28th day of May, 2013.

sl M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE