

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

**THERON SAPP,**

**Petitioner,**

**v.**

**CASE NO. 4:12-cv-361-MW/CAS**

**MICHAEL D. CREWS, Secretary,  
Florida Department of Corrections,**

**Respondent.**

\_\_\_\_\_ /

**ORDER ACCEPTING AND ADOPTING REPORT AND  
RECOMMENDATION**

This Court has considered the Magistrate's Report and Recommendation, ECF No.32, filed February 19, 2014. 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, "Respondent's motion to dismiss, ECF No. 30, is **GRANTED**. Petitioner's §2254 petition for writ of habeas corpus, ECF No. 1, is **DISMISSED as untimely**. A certificate of appealability is

**DENIED** and leave to appeal *in forma pauperis* is **DENIED.**” The Clerk shall close the file.

**SO ORDERED on March 20, 2014.**

s/Mark E. Walker  
**United States District Judge**