

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

JAMES DAVID PELKEY,

Petitioner,

vs.

Case No. 4:12cv397-LC/CAS

JULIE L. JONES, Secretary,
Florida Department of Corrections,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's report and recommendation dated February 10, 2015. Doc. 23. The parties have been furnished a copy of the report and recommendation and afforded an opportunity to file objections. No objections have been filed.

Having considered the report and recommendation, 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, doc. 23, is adopted and incorporated by reference in this order.

2. The petition for writ of habeas corpus filed by James David Pelkey pursuant to 28 U.S.C. § 2254, is **DENIED**. Any certificate of appealability is **DENIED** and leave to appeal in forma pauperis is also **DENIED**

DONE AND ORDERED this 19th day of March, 2015.

s/L.A. Collier _____
LACEY COLLIER
Senior United States District Judge