

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

ELI BUTLER, JR,

Petitioner,

v.

CASE NO. 4:12-cv-00448-MP-CAS

STATE OF FLORIDA,

Respondent.

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ORDER

This matter is before the Court on Doc. 8, Report and Recommendation of the Magistrate Judge, recommending that this § 2254 petition be dismissed as untimely and successive. The time for filing objections has passed, and none have been filed. Instead, plaintiff filed a motion to voluntarily dismiss the petition, Doc. 9. Upon consideration, it is hereby

ORDERED AND ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge is accepted and incorporated herein.
2. The § 2254 petition for writ of habeas corpus, Doc. 1, is summarily dismissed, a certificate of appealability is denied, and leave to appeal in forma pauperis is denied.

DONE AND ORDERED this 16th day of January, 2013

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge