

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

CALVIN L. DAVIS,

Petitioner,

v.

4:12cv581-WS

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

Respondent.

AMENDED ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation docketed January 11, 2013. See Doc. 7. The magistrate judge recommends that the petitioner's petition for writ of habeas corpus be summarily dismissed as untimely. The petitioner has filed objections (doc. 8) to the magistrate judge's report and recommendation.

Upon review of the record in light of the petitioner's objections, the court has determined that the magistrate judge's report and recommendation should be adopted.

Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 7) is hereby ADOPTED and incorporated by reference into this order.
2. The petitioner's motion to supplement (doc. 6) is GRANTED.
3. The petitioner's petition for writ of habeas corpus (doc. 1) is hereby summarily DISMISSED as untimely.

4. The clerk shall enter judgment stating: "Petitioner's petition for writ of habeas corpus is summarily DISMISSED as untimely."

5. A certificate of appealability shall not issue, and leave to appeal in forma pauperis is DENIED.

6. The order (doc. 9) and judgment (doc. 10) entered on February 8, 2013, are VACATED AND SET ASIDE.

DONE AND ORDERED this 11th day of February, 2013.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE