

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

HUBERT THARPE,

Petitioner,

v.

4:14cv263–WS/CAS

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

Respondent.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 26) docketed November 22, 2016. The magistrate judge recommends that the petitioner's § 2254 petition (doc. 1) be denied. The petitioner has filed no objections to the magistrate judge's report and recommendation.

Having reviewed the magistrate judge's report and recommendation, this court has determined that the magistrate judge correctly determined that the petitioner is not entitled to federal habeas relief. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 26) is hereby ADOPTED and incorporated by reference into this order.
2. The petitioner's petition for writ of habeas corpus (doc. 1) is DENIED.
3. This action is DISMISSED.
4. The clerk shall enter judgment stating: "Petitioner's § 2254 petition for writ of habeas corpus is DENIED and this action is DISMISSED.
5. A certificate of appealability and leave to appeal in forma pauperis are DENIED.

DONE AND ORDERED this 3rd day of January, 2017.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE