

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

BURT SETTS,

Petitioner,

v.

4:14cv579-WS

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

Respondent.

ORDER DISMISSING PETITIONER'S PETITION
FOR WRIT OF HABEAS CORPUS

Before the court is the magistrate judge's report and recommendation docketed July 7, 2015. See Doc. 17. The magistrate judge recommends that Burt Setts's petition for writ of habeas corpus be DISMISSED for lack of jurisdiction. Setts has filed objections (doc. 21) to the magistrate judge's report and recommendation.

Upon review of the record in light of Setts'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. 17) is adopted and incorporated by reference in this order of the court.

2. Respondent's motion to dismiss (doc. 14) is GRANTED.

2. Burt Setts's petition for writ of habeas corpus (doc. 1) is DISMISSED.

3. The clerk shall enter judgment stating: "Burt Setts's petition for writ of habeas corpus is DISMISSED."

4. A certificate of appealability is DENIED.

5. Leave to proceed on appeal *in forma pauperis* is DENIED.

DONE AND ORDERED this 24th day of August, 2015.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE