

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

WILBERT WHYMS,

Petitioner,

v.

4:16cv38–WS/CJK

JULIE L. JONES,

Respondent.

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ORDER ADOPTING THE MAGISTRATE JUDGE’S  
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 22) docketed January 24, 2017. The magistrate judge recommends that the petitioner's petition for writ of habeas corpus be dismissed as time-barred. The petitioner has filed objections (doc. 23) to the magistrate judge's report and recommendation.

Upon review of the record, the court has determined that the magistrate judge's report and recommendation should be adopted. Accordingly, it is

ORDERED:

1. The respondent's motion to dismiss (doc. 18) is GRANTED.
2. The magistrate judge's report and recommendation (doc. 22) is hereby ADOPTED and incorporated by reference into this order.
3. The petitioner's petition for writ of habeas corpus (doc. 1) is DISMISSED with prejudice as time-barred.
4. The clerk shall enter judgment stating: "The petitioner's petition for writ of habeas corpus is DISMISSED with prejudice."
5. A certificate of appealability is DENIED.

DONE AND ORDERED this 21st day of February, 2017.

s/ William Stafford \_\_\_\_\_  
WILLIAM STAFFORD  
SENIOR UNITED STATES DISTRICT JUDGE5.