

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

DIONTE JERMAINE DAVIS,

Petitioner,

v.

Case No. 4:16cv401-MW/CJK

**FLORIDA DEPARTMENT
OF CORRECTIONS SECRETARY,**

Respondent.

**ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation, ECF No. 33, and has also reviewed *de novo* Petitioner's timely objections to the report and recommendation. ECF No. 40. Accordingly,

IT IS ORDERED:

The report and recommendation is **accepted and adopted**, over Petitioner's objections, as this Court's opinion. The Clerk shall enter judgment stating the following:

1. The Respondent's motion to dismiss, ECF No. 26, is **GRANTED**.
2. Petitioner's motion to stay this case, ECF No. 32, is **DENIED**.
3. The petition for writ of habeas corpus, ECF No. 1, challenging the

judgment of conviction and sentences in *State of Florida v. Dionte Jermaine*

Davis, Madison County Circuit Court Case No. 10-CF-98, is **DISMISSED with prejudice.**

4. A certificate of appealability is **DENIED.**
5. The Clerk shall close the file.

SO ORDERED on October 27, 2017.

s/Mark E. Walker
United States District Judge