

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

JOSEPH W. ATKINS,

Petitioner,

v.

4:17cv176–WS/EMT

SECRETARY FLORIDA DEPARTMENT
OF CORRECTIONS,

Respondent.

ORDER DENYING PETITIONER’S
PETITION FOR WRIT OF HABEAS CORPUS

Before the court is the magistrate judge's report and recommendation (ECF No. 38) docketed February 4, 2019. The magistrate judge recommends that Petitioner’s petition for writ of habeas corpus be DENIED. In response, Petitioner has filed a document (ECF No. 39) entitled “Notice of Appeal and Objecting.” The court construes this document as an objection to the magistrate judge’s report and recommendation and *not* as a notice of appeal to the United States Court of Appeals for the Eleventh Circuit. Petitioner sets forth his objection in a single sentence: “As bases for appeal, the Honorable Magistrate . . . has relied on falsified

transcripts as there is [sic] three different conflicting versions of a same or singular event.”

Upon review of the record, the court has determined that the magistrate judge's report and recommendation should be adopted. Like the magistrate judge, the undersigned finds that Petitioner has failed to show that he is entitled to relief under 28 U.S.C. § 2254.

Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (ECF No. 38) is hereby ADOPTED and incorporated by reference into this order.
2. Petitioner's petition for writ of habeas corpus (ECF No. 1) is DENIED.
3. The clerk shall enter judgment stating: "Petitioner's petition for writ of habeas corpus is DENIED."
4. A certificate of appealability is DENIED.

DONE AND ORDERED this 26th day of March, 2019.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE.