

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

DARRIUS L. WORTHEY,

Petitioner,

v.

4:18cv509–WS/CAS

STATE OF FLORIDA,

Respondent.

ORDER DENYING PETITIONER’S AMENDED
PETITION FOR WRIT OF HABEAS CORPUS

Before the court is the magistrate judge's report and recommendation (ECF No. 21) docketed September 18, 2019. The magistrate judge recommends that Petitioner’s amended petition for writ of habeas corpus be DENIED. In response, Petitioner has filed a document entitled “Notice of Appeal,” along with a one-page document entitled “Judicial Acts To Be Reviewed,” which—together (ECF No. 22)—have been construed by the undersigned as objections to the report and recommendation.

Upon review of the record, the court has determined that the magistrate

judge's report and recommendation is due to 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.

By my adoption of the magistrate judge's report and recommendation and denial of relief to Petitioner, this case is now concluded in this court. Should Petitioner wish to appeal this court's order and judgment to the Court of Appeals for the Eleventh Circuit, he must file a notice of appeal with this court in accordance with Rules 3 and 4 of the Federal Rules of Appellate Procedure.

Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (ECF No. 21) is hereby ADOPTED and incorporated by reference into this order.
2. Petitioner's amended petition for writ of habeas corpus (ECF No. 9) is DENIED.
3. The clerk shall enter judgment stating: "Petitioner's amended petition for writ of habeas corpus is DENIED."
4. A certificate of appealability is DENIED.
5. Leave to appeal in forma pauperis is DENIED.

DONE AND ORDERED this 7th day of October, 2019.

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