

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

HARVEY DONLEY,

Petitioner,

v.

4:20cv56–WS/EMT

MARK INCH,

Respondent.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
AMENDED REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (ECF No. 11) docketed October 15, 2020. The magistrate judge recommends that Petitioner's petition for writ of habeas corpus be dismissed as untimely. Petitioner has filed objections (ECF No. 14) to the magistrate judge's report and recommendation.

Upon review of the record in light of Petitioner's objections, the court has determined that the magistrate judge's report and recommendation is due to be adopted based on the untimeliness of Petitioner's petition for writ of habeas

corpus. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (ECF No. 11) is hereby ADOPTED and incorporated by reference into this order.
2. Respondent's motion to dismiss (ECF No. 8) is GRANTED.
3. Petitioner's petition for writ of habeas corpus (ECF No. 1) is DISMISSED as untimely.
4. The clerk shall enter judgment stating: "The petitioner's petition for writ of habeas corpus is DISMISSED."
5. A certificate of appealability is DENIED.

DONE AND ORDERED this 20th day of November, 2020.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE