

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

BLAKE COLLIER,

Petitioner,

v.

CASE NO. 5:12-cv-00082-MP-EMT

KENNETH S TUCKER,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated November 28, 2012. (Doc. 19). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1), and the petitioner has done so, Doc. 23. I have made a de novo determination of any timely filed objections.

Having considered the thorough and well reasoned Report and Recommendation, and the objections thereto, I have determined that the Report and Recommendation should be adopted. Additionally, I agree with the Magistrate Judge and the state court judge that the record affirmatively refutes the allegation that the audiotape of the confession offered at trial was

"garbled" and "unintelligible." Accordingly, the motion to supplement the record with the actual audio tape the undersigned, Doc. 24, is denied.

Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. The petition for writ of habeas corpus, Doc. 1, is DENIED.
3. The motion for leave to supplement or expand the record, Doc. 24, is DENIED.
4. No certificate of appealability is appropriate in this case.

DONE AND ORDERED this 18th day of April, 2013

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge