

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

DAN SCHMIDT,

Petitioner,

v.

CASE NO. 5:12-cv-00226-MP-EMT

MICHAEL D CREWS, et al.,

Respondents.

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated March 5, 2013. (Doc. 98). 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 petitioner has done so, Docs. 100 & 101. I have made a de novo determination of the objected to portions of the Report and Recommendation, and I have determined that the Report and Recommendation should be adopted.

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. Respondents' motions to dismiss (docs. 23, 35) are DENIED.
3. The amended petition for writ of habeas corpus (doc. 57) is DENIED.
4. A certificate of appealability is DENIED.

DONE AND ORDERED this 22nd day of April, 2013

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