

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

JOHN KIMBRO,

Petitioner,

v.

CASE NO. 5:12-cv-00350-MP-EMT

MICHAEL D CREWS, KENNETH TUCKER,

Respondents.

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated October 15, 2013. (Doc. 23). 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). The time for filing objections has passed, and none have been filed.

Having considered the Report and Recommendation, the Court agrees that the petition in this case is untimely. 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. Respondent's motion to dismiss (doc. 17) is GRANTED. The amended petition for writ of habeas corpus (doc. 4) is DISMISSED with prejudice as untimely, and a certificate of appealability is DENIED.

DONE AND ORDERED this 10th day of January, 2014

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