

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

CHARLES CLAY SANMANN,

Petitioner,

v.

CASE NO. 5:12-cv-00357-MP-GRJ

SECRETARY, FLORIDA DEPT.
OF CORRECTIONS,

Respondents.

_____ /

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated October 3, 2013. (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). I have made a *de novo* determination of any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, 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. Respondent's motion to dismiss (doc. 15) is GRANTED and the second amended petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, (doc. 7) is DENIED.

3. A certificate of appealability is DENIED, pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the U.S. District Courts.

DONE AND ORDERED this 27th day of November, 2013

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