

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

WILLIAM TONY MCCROAN,

Petitioner,

v.

CASE NO. 5:13-cv-00171-MP-CJK

SECRETARY, FLORIDA
DEPT. OF CHILDREN AND FAMILIES,

Respondents.

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ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated November 22, 2013. (Doc. 33). 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 (doc. 21) is GRANTED to the extent it seeks to dismiss the petition.
3. Respondent's motion (doc. 21) is DENIED as moot to the extent it seeks to stay this proceeding pending petitioner's appointed counsel's response to the motion to dismiss.

4. The petition for writ of habeas corpus (doc. 1) is DISMISSED and the Clerk is directed to close the file.
5. 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 11th day of December, 2013

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