

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

FRED HANKS,

Petitioner,

v.

CASE NO. 5:13-cv-400-RS-GRJ

**SECRETARY, DEPARTMENT
OF CORRECTIONS,**

Respondent.

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ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 4). Petitioner has not filed an objection. I have reviewed the report and recommendation *de novo*.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. The Petitioner's successive writ of habeas corpus (Doc. 1) is **DISMISSED WITH PREJUDICE**.
3. The certificate of appealability is **DENIED** because Petitioner did not make a substantial showing of the denial of a constitutional right.
4. The clerk is directed to close the file.

ORDERED on January 14, 2014.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE