

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

DAVID CHALLENGER,

PETITIONER,

-vs-

Case No. 5:16-cv-00098-WTH-EMT

FLORIDA DEPARTMENT OF CORRECTIONS SECRETARY,

RESPONDENT.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
AND DISMISSING CASE**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated May 1, 2017. (ECF No. 21). 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, I have determined that the Report and Recommendation should be adopted. Accordingly, the Report and Recommendation of the Magistrate Judge, ECF No. 21, is accepted and incorporated herein. The Clerk shall enter judgment stating: "Respondent's Motion to Dismiss, ECF No. 18, is granted. The habeas petition, ECF No. 1, is dismissed with prejudice as

untimely. A certificate of appealability is denied.” The Clerk is directed to close the file.

IT IS SO ORDERED.

DONE and ORDERED at Gainesville, Florida this 1st day of August, 2017.

A handwritten signature in blue ink, appearing to read "W. Kenneth Hodges", is written above a horizontal line.

UNITED STATES DISTRICT JUDGE