

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

WILLIE ALBERT SMITH,

Petitioner,

v.

Case No. 5:16cv247-LC/CAS

JULIE JONES,

Respondent.

_____ /

ORDER

This matter is before the Court on the Report and Recommendation of the U.S. Magistrate Judge (ECF No. 24) that Respondent's motion to dismiss (ECF No. 14) be granted and the amended petition for writ of habeas corpus (ECF No. 10), filed pursuant to 28 U.S.C. § 2254, be dismissed as untimely. The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant 28 U.S.C. § 636(b)(1). I have made a de novo determination of the objections filed (ECF No. 25).

Having considered the Report and Recommendation, and the objections thereto, I have determined the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The Report and Recommendation (ECF No. 24) is adopted and incorporated by reference in this order.

2. The Clerk shall enter judgment stating, “Respondent’s motion to dismiss (ECF No. 14) is **GRANTED**. Leave to appeal in forma pauperis is **DENIED**.”

3. The Clerk shall close the file.

DONE AND ORDERED on March 1, 2017.

s/ L.A. Collier

LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE