

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

KARRIECE QUONTREL DAVIS,

PETITIONER,

-vs-

Case No. 5:16-cv-00332-WTH-CJK

STATE OF FLORIDA,

RESPONDENT.

ORDER

This matter is before the Court on ECF No. 4, the Report and Recommendation of the Magistrate Judge, which recommends that this case be dismissed without prejudice for lack of jurisdiction. The Petitioner file a petition under 28 U.S.C. § 2254, in which she moves the Court to “compel the State of Florida to return said property of monies totaling 5,924.00 that was illegally seized from Defendant.” ECF No. 2. The Magistrate Judge recommends that 28 U.S.C. § 2254 confers jurisdiction only to attack the legality of Petitioner’s custody, not to seek the return of seized property. Petitioner has filed no objection, and the time to do so has passed. Upon consideration, the Court agrees with the Magistrate Judge that the case should be dismissed.

Accordingly, the Report and Recommendation, ECF No. 4, is accepted, and the Clerk is directed to enter the following judgment: “This matter is dismissed without prejudice

for lack of jurisdiction. 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 27th day of March, 2017.



UNITED STATES DISTRICT JUDGE