

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

TIMOTHY ARTHUR WAGNER POPE,

Petitioner,

v.

CASE NO. 5:17cv86-MCR/CAS

STATE OF FLORIDA,

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation of the U.S. Magistrate Judge dated November 1, 2017. ECF No. 13. 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 any objections timely filed.

Having considered the Report and Recommendation, and any objections filed 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. 13, is adopted and incorporated by reference in this Order.
2. Respondent's motion to dismiss, ECF No. 12, is **GRANTED**.
3. The § 2254 petition for writ of habeas corpus, ECF No. 1, is **DISMISSED**.
4. A certificate of appealability is **DENIED** and leave to appeal in forma pauperis is also **DENIED**.

DONE AND ORDERED this 30th day of November, 2017.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE