

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

KENT EUGENE TURNBAUGH,

Petitioner,

v.

CASE NO. 5:17cv94-MCR-GRJ

WARDEN BLACKMON,

Respondent.

_____ /

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated September 20, 2017, ECF No. 11, recommending that the Petition be dismissed. Petitioner has been furnished with a copy of the Report and Recommendation and was afforded an opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). I have made a *de novo* determination of any timely filed objections.

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

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

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. The petition for writ of habeas corpus, ECF No. 1, is **DISMISSED**.
3. A certificate of appealability is **DENIED**.

DONE AND ORDERED this 24th day of October, 2017.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE