

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

DARRYL WALKER,

Petitioner,

v.

CASE NO. 5:17cv96-MCR-GRJ

WARDEN BLACKMON,

Respondent.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated August 4, 2017, recommending that Respondent's motion to dismiss should be granted and the Petition should be dismissed. ECF No. 13. 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). Petitioner has filed objections. ECF No. 14. Having considered the Report and Recommendation and the objections, 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. Respondent's motion to dismiss, ECF No. 8, is **GRANTED**.
3. The petition for writ of habeas corpus, ECF No. 1, is **DISMISSED**.
4. A certificate of appealability is **DENIED**.

DONE AND ORDERED this 22nd day of September, 2017.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE