

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

RUBEN J. MARTINEZ,

Petitioner,

v.

CASE NO. 5:17cv283-MCR/EMT

FLORIDA DEPARTMENT OF  
CORRECTIONS,

Respondent.

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**ORDER**

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated February 11, 2019. ECF No. 21. The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a *de novo* determination of any timely filed objections.

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

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

1. The chief magistrate judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. Respondent's motion to dismiss, ECF No. 17, is **GRANTED**.
3. The habeas petition, ECF No. 1, is **DISMISSED as untimely**.
4. A certificate of appealability is **DENIED**.

**DONE AND ORDERED** this 4th day of March 2019.

*s/ M. Casey Rodgers*  
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**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**