

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

CURTIS BROWN,

Plaintiff,

v.

CASE NO. 5:18cv131-MCR/MJF

JULIE L. JONES,

Defendant.

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**ORDER**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated November 19, 2018. ECF No. 12. 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 Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. Respondent's motion to dismiss, ECF No. 9, is GRANTED.

3. Petitioner's amended § 2254 petition, ECF No. 4, is DISMISSED WITHOUT PREJUDICE for Petitioner's failure to exhaust state court remedies.
4. A certificate of appealability is DENIED.

**DONE AND ORDERED** this 14th day of December 2018.

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