

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

MICHAEL C. DESUE,

Petitioner,

v.

CASE NO. 5:19cv237-MCR-HTC

STATE OF FLORIDA, SECRETARY
MR. MARK INCH OF THE
DEPARTMENT OF CORRECTIONS,
RECORDS CUSTODIAN
LINDA SANTANA,

Respondents.

ORDER

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated September 9, 2019. ECF No. 10. 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 timely filed objections thereto, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation, ECF No. 10, is adopted and incorporated by reference in this Order.
2. The filing at ECF No. 9 is **DISMISSED** as a second or successive habeas corpus application filed without first obtaining an order from the Eleventh Circuit authorizing the district court to consider it.
3. A certificate of appealability is **DENIED**.
4. The Clerk is directed to close the file.

DONE AND ORDERED this 8th day of October 2019.

s/ M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE