

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 16-60450-CIV-GAYLES/WHITE

LUCKENS PETIT,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge William C. Turnoff’s Report and Recommendation (“Report”) [ECF No. 11]. Petitioner Luckens Petit (“Petitioner”) filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 attacking the constitutionality of his Florida state court conviction for first degree felony murder, robbery with a firearm, and attempted felony murder (the “Petition”) [ECF No. 1]. The matter was referred to Judge Turnoff, pursuant to 28 U.S.C. § 636(b)(1)(B) and Administrative Order 2003-19 of this Court, for a ruling on all pre-trial, non-dispositive matters, and for a Report and Recommendation on any dispositive matters. [ECF No. 5]. On December 18, 2017, Judge Turnoff issued his report recommending that the Petition be denied. Petitioner has timely objected to the Report [ECF No. 12].

DISCUSSION

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed.

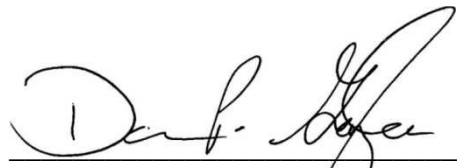
R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). This Court has conducted a *de novo* review of the record and agrees with Judge Turnoff's recommendation that the Petition must be denied on the merits.

It is therefore,

ORDERED AND ADJUDGED as follows:

- (1) Judge Turnoff's Report and Recommendation [ECF No. 11] is **AFFIRMED AND ADOPTED**;
- (2) the Petition [ECF No. 1] is **DENIED**;
- (3) a certificate of appealability shall not issue; and
- (4) this case is **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 26th day of January, 2018.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE