

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 16-cv-60656-GAYLES/WHITE**

**JOEL OQUENDO,**  
**Petitioner,**

**v.**

**JULIE JONES, *Secretary, Florida  
Department of Corrections,***  
**Respondent.**

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**ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE**

**THIS CAUSE** comes before the Court on Magistrate Judge Patrick A. White’s Report of Magistrate Judge (the “Report”) [ECF No. 12], entered on February 1, 2017.

Petitioner Joel Oquendo, who appears in this action *pro se*, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on March 29, 2016 [ECF No. 1]. The matter was referred to Judge White, pursuant to 28 U.S.C. § 636(b)(1)(B) and Administrative Order 2003-19 of this Court, for a ruling on all pretrial, nondispositive matters, and for a Report and Recommendation on any dispositive matters [ECF No. 3]. The Report recommends that the Petition be dismissed as time barred and that no certificate of appealability issue. The Petitioner timely filed Objections to the Report [ECF No. 15].

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). If no objections are filed, or if the objections do not properly address specific findings, the district court need only review the report and recommendation for “clear

error.” *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006) (per curiam); *see also* Fed. R. Civ. P. 72 advisory committee’s note.

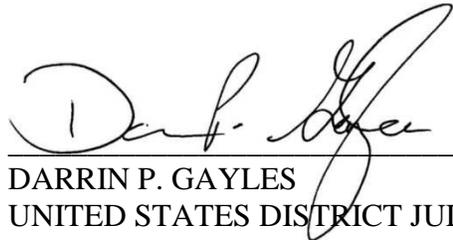
Given that none of the Petitioner’s Objections addresses Judge White’s conclusion that the Petition be dismissed as time barred, the Court has undertaken the required review and finds no clear error in the well-reasoned analysis and recommendations contained in the Report regarding the untimeliness of the Petition and the issuance of a certificate of appealability.

It is, therefore, **ORDERED AND ADJUDGED** as follows:

- (1) the Report of Magistrate Judge [ECF No. 12] is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference;
- (2) the Petition for Writ of Habeas Corpus [ECF No. 1] is **DISMISSED WITH PREJUDICE**; and
- (3) no certificate of appealability shall issue.

This action is **CLOSED**.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 24th day of March, 2017.

  
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DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE