

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 20-CV-60612-RAR

KAMONTE MCNEIL,

Petitioner,

v.

MARK S. INCH, *Secretary, Florida
Department of Corrections,*

Respondent.

**ORDER AFFIRMING AND ADOPTING REPORT AND
RECOMMENDATION AND DENYING PETITION**

THIS CAUSE comes before the Court upon United States Magistrate Judge Jared M. Strauss's Report and Recommendation [ECF No. 11] ("Report"), entered on March 4, 2021. The Report recommends that the Court deny Petitioner's Petition for Writ of Habeas Corpus [ECF No 1] ("Petition") under 28 U.S.C section 2254. Petitioner timely filed objections to the Report on March 18, 2021 [ECF No. 12] ("Objections").

When a magistrate judge's "disposition" has been properly objected to, district courts must review the disposition *de novo*. FED. R. CIV. P. 72(b)(3). Because Plaintiff timely filed objections to the Report, the Court has conducted a *de novo* review of Magistrate Judge Strauss's legal and factual findings. Having carefully reviewed the Petition, the Report, the Objections, the factual record, the applicable law, and being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report [ECF No. 11] is **AFFIRMED AND ADOPTED**.
2. The Petition [ECF No. 1] under 28 U.S.C section 2254 is **DENIED** for the reasons set forth in the Report.

3. A certificate of appealability is **DENIED**.¹
4. The Clerk is directed to **CLOSE** this case.
5. Any pending motions are **DENIED as moot**.

DONE AND ORDERED in Ft. Lauderdale, Florida, this 30th day of March, 2021.



RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

¹ A certificate of appealability “may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: The petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Because Petitioner does not satisfy this burden, the Court will not issue a certificate of appealability.