

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-20082-CIV-GAYLES/WHITE

CHARLES E. STALLWORTH,

Petitioner,

v.

JULIE L. JONES,

Respondent.

/

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 ("Report") [ECF No. 7]. Petitioner Charles E. Stallworth filed a "Petition for Relief from Judgment Order Issued: On December 20, 2004," which the court construes as a Section 2254 Petition [ECF No. 1] ("Petition"). 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, non-dispositive matters, and for a Report and Recommendation on any dispositive matters. [ECF No. 3]. Judge White's Report recommends (1) that the Court dismiss the Petition as successive and (2) that a certificate of appealability be denied. Petitioner has failed to timely object to the Report.

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

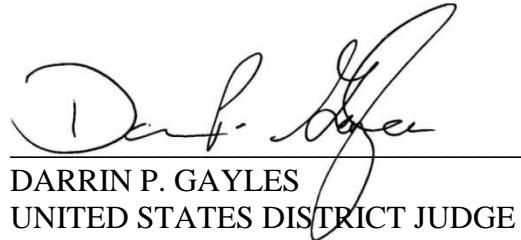
is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

This Court finds no clear error with Judge White's well-reasoned analysis and agrees that Petitioner's claims must be dismissed as successive.¹

Accordingly, after careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Judge White's Report and Recommendation [ECF No. 7] is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference;
- (2) the Petition [ECF No. 1] is **DISMISSED**;
- (3) no certificate of appealability shall issue; and
- (4) this case is **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of March, 2017.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE

¹ The Court notes that the Report contains a typographical error in listing the case number for Petitioner's prior § 2254 action. The correct case number is 09-cv-20381-PAS.