

**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

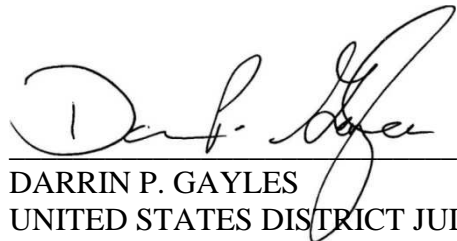
is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

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.