

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:16-CV-80542-ROSENBERG/WHITE

ANTON E. TUOMI,

Petitioner,

v.

JULIE JONES, et al.,

Respondents.

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION

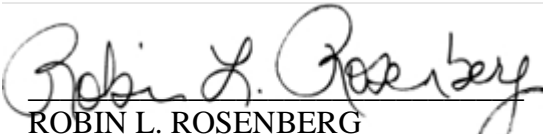
This matter is before the Court upon *pro se* Petitioner's petition for writ of habeas corpus, DE 1, which was previously referred to the Honorable Patrick A. White for a Report and Recommendations on any dispositive matters, DE 3. On April 12, 2017, Judge White issued a Report and Recommendations recommending that the federal habeas petition be denied, that a certificate of appealability be denied and, finally, that the case be closed. DE 19.

The Court entered an Order Adopting Magistrate's Report and Recommendations following a *de novo* review of the Report and Recommendations and the record. DE 20. However, on May 1, 2017, the Court received a Motion for Extension of Time to File Objections to Report of Magistrate Judge. DE 22. A stamp on that filing showed it was delivered to prison officials for mailing within the objections period. *Id.* Accordingly, the Court entered an Order Granting Petitioner's Motion for Extension of Time, giving Petitioner until July 3, 2017 to file objections, DE 23. On July 10, 2017, the Court received Petitioner's objections. A stamp on that filing revealed it had been delivered to prison officials for mailing on July 3, 2017. DE 24.

So that there would be no ambiguity regarding Petitioner's opportunity to appeal, the Court has entered a Paperless Order Vacating the Order Adopting Magistrate's Report and Recommendation. DE 27. The Court has now conducted a *de novo* review of the Report and Recommendations, the Petitioner's objections, and the record. Upon review, the Court still finds Judge White's recommendations to be well reasoned and correct. The Court agrees with the analysis in Judge White's Report and Recommendations that that the federal habeas petition should be denied, that a certificate of appealability should be denied and, finally, that the case should be closed. DE 19.

For the foregoing reasons, it is **ORDERED AND ADJUDGED** that Magistrate Judge White's Report and Recommendations is **ADOPTED**. Accordingly, the federal habeas petition is **DENIED** and a certificate of appealability is also **DENIED**. The case shall remain **CLOSED**.

DONE and ORDERED in Chambers, Fort Pierce, Florida, this 18th day of August, 2017.



ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE

Copies furnished to Counsel of Record