

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

ADOLFO PENA,

Petitioner,

v.

CASE NO. 1:18cv129-MCR-GRJ

SECRETARY, FL. DEPT.  
OF CORRECTIONS,

Respondent.

**O R D E R**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated July 22, 2021. ECF No. 25. The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a *de novo* determination of all timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

- (1) The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.

(2) The petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254, ECF

No. 1, is **DENIED**.

(3) A certificate of appealability is **DENIED**.

(4) The clerk is directed to close the file for this case.

**DONE AND ORDERED** this 9th day of September 2021.

s/ *M. Casey Rodgers*

**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**