

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

MICHAEL LOUIS CRAFT,)	
)	
Petitioner,)	
)	
v.)	Case No.: 5:16-cv-01593-LSC-SGC
)	
CHRISTOPHER GORDY, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

On September 21, 2018, the magistrate judge entered a report recommending the claims in this *pro se* petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by the petitioner, Michael Louis Craft, be dismissed as time-barred. (Doc. 18). After seeking and receiving two extensions, the petitioner filed objections dated November 7, 2018. (Doc. 23; *see* Docs. 19-22).

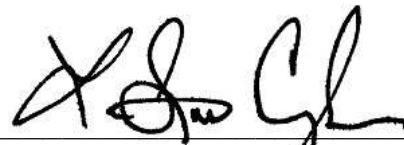
The petitioner's lengthy objections are based almost exclusively on his difficulties obtaining and accessing the transcripts of his state criminal proceedings. (Doc. 23). The petitioner contends he could not file a meaningful Rule 32 petition—which was required in order to exhaust his federal habeas claims—without the transcripts, thus entitling him to equitable tolling of the limitation period applicable to the instant federal claims. The petitioner asserted similar arguments in response to the magistrate judge's order to show cause why

his claims should not be dismissed as untimely. (*See* Doc. 17). As correctly explained in the magistrate judge's report: (1) the unavailability of trial transcripts does not constitute the extraordinary circumstances warranting equitable tolling; and (2) prisoners pursuing post-conviction remedies have no constitutional right to free copies of court transcripts. (Doc. 18 at 6-9, 11-12). Finally, the petitioner's objections do not overcome the magistrate judge's conclusion that he has failed to state a threshold claim for actual innocence. Accordingly, Petitioner's objections (Doc. 23) are **OVERRULED**.

After careful consideration of the record in this case—including the magistrate judge's report and the petitioner's objections thereto—the court **ADOPTS** the report of the magistrate judge and **ACCEPTS** her recommendations. In accordance with the recommendation, the court finds the petitioner's claims are due to be dismissed as untimely and a certificate of appealability is due to be denied.

A separate order will be entered.

DONE AND ORDERED ON NOVEMBER 26, 2018.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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