

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

LEIF ERIC HELLSTROM,)	
)	
Petitioner,)	Civil Action No. 5:08-cv-381-JMH
)	
v.)	
)	
COMMONWEALTH OF KENTUCKY,)	
)	MEMORANDUM OPINION AND ORDER
Respondent.)	

** ** ** ** **

This matter is before the Court on the Proposed Findings of Fact and Recommendations of Magistrate Judge James B. Todd [Record No. 7]. Said action was referred to the magistrate for the purpose of reviewing the merit of Petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 [Record No. 1] concerning his conviction in Jessamine Circuit Court on or about June 27, 1994. Respondent has filed a Motion to Dismiss [Record No. 4] on the grounds that Petitioner's request for relief is barred by the applicable statute of limitations, and Petitioner has filed a Response, stating his opposition thereto [Record No. 6]. The Magistrate Judge filed Proposed Findings of Fact and Recommendations on June 16, 2006 [Record No. 7].

Petitioner has not filed objections to the Report and Recommendation, and the deadline for filing objections has passed. Generally, "a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or

recommendations made by the magistrate judge." 28 U.S.C. § 636. However, when the petitioner fails to file any objections to the Report and Recommendation, as in the case *sub judice*, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Consequently, this Court adopts the reasoning set forth in the Report and Recommendation as its own.

Accordingly, **IT IS ORDERED:**

(1) that the Magistrate Judge's Proposed Findings of Fact and Recommendations [Record No. 7] shall be, and the same hereby is, **ACCEPTED** and **ADOPTED**;

(2) that Respondent's Motion to Dismiss [Record No. 4] shall be, and the same hereby is, **GRANTED**; and

(3) that Petitioner's Petition for a Writ of Habeas Corpus [Record No. 1] shall be, and the same hereby is, **DISMISSED**;

(4) that all pending motions shall be, and the same hereby are, **DENIED AS MOOT**; and

(5) that this action shall be, and the same hereby is, **STRICKEN** from the Court's active docket.

This the 15th day of September, 2009.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge