

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOHN HENRY GIVENS, #182504,)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 2:08cv565-WHA
)	
J. C. GILES, et al.,)	(WO)
)	
Respondents.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #42), and Petitioner’s Objections (Doc. #43).

Following a *de novo* review of this case, the court agrees with the Magistrate Judge that this § 2254 petition is untimely under 28 U.S.C. § 2254(d)(1), and that under the facts of the case equitable tolling of this limitation period is not warranted. Accordingly, Petitioner’s objections are OVERRULED, the court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby

ORDERED that this petition is DENIED, for the reason that it was not filed within the one-year period of limitation mandated by 28 U.S.C. § 2244(d)(1), and this case is DISMISSED with prejudice.

Final Judgment will be entered accordingly.

DONE this 30th day of June, 2011.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE