

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

DON MILES, SR., #237 629)	
)	
Petitioner,)	
)	CASE NO. 2:09-cv-1095-ID
v.)	(WO)
)	
LOUIS BOYD, WARDEN, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

Before the Court are the Recommendation of the Magistrate Judge (Doc. #12) and the Petitioner’s objections to the Recommendation (Doc. #13). Having conducted a *de novo* review of the Recommendation, it is CONSIDERED and ORDERED that:

1. The Petitioner’s objections to the Recommendation of the Magistrate Judge (Doc. #13) be and the same are hereby OVERRULED;
2. The Recommendation of the Magistrate Judge (Doc. #12) be and the same is hereby ADOPTED, APPROVED and AFFIRMED; and
3. The petition for habeas corpus relief filed by Don Miles, Sr., (Doc. # 1) be and the same is hereby DISMISSED with prejudice because the Petitioner failed to file the petition within the one-year period of limitation set forth in 28 U.S.C. § 2244(d)(1).

The Court will enter a separate final judgment.

DONE this the 24th day of August, 2010.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE