

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

ELBERT SIMS, #217355,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO. 2:12cv300-WHA
	)	
BETTINA CARTER, et al.,	)	
	)	
Respondents.	)	

**ORDER AND OPINION**

On October 2, 2014, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 11). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The petition for habeas relief filed by Elbert Sims is DENIED as it was not filed within the one-year period of limitation required by 28 U.S.C. § 2244(d)(1).
2. This case is DISMISSED with prejudice.

Done this the 22nd day of October, 2014.

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