

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

BENNIE CARL SWAIN, #120357,)	
)	
Petitioner,)	
)	
vs.)	CASE NO. 2:12-cv-497-WHA
)	
WILLIE THOMAS, et al.,)	(WO)
)	
Respondents.)	

ORDER

On March 25, 2015, the court entered an Order (Doc. #27) and Final Judgment (Doc. #28), indicating that no objection had been filed by the Petitioner. On April 1, 2015, Petitioner’s Objection was received and filed in this court. Since the Objection was dated March 24, 2015, the court considers the objection to be timely under the mail box rule and, therefore, it is hereby ORDERED that the Order and Judgment entered on March 15, 2015, are VACATED and SET ASIDE.

And now, after the court has conducted an independent evaluation and *de novo* review of the file in this case, the court finds the objection to be without merit, and it is hereby OVERRULED. The court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby

ORDERED that this petition for habeas corpus relief is DENIED as untimely under 28 U.S.C. §2244(d), and this case is DISMISSED with prejudice.

DONE this 7th day of April, 2015.

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