

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

JASON E. ROGERS, #254 032, )  
 )  
 Petitioner, )  
 )  
 v. ) CIVIL ACTION NO.: 2:13-CV-227-WHA  
 ) [WO]  
 WARDEN BOYD, *et al.*, )  
 )  
 Respondents. )

**ORDER**

On August 29, 2016, the Magistrate Judge filed a Recommendation in this case that the court deny and dismiss the petition for habeas corpus relief filed in this action. Doc. 24. No timely objection has been filed. Upon an independent and *de novo* review of the file and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED and ADJUDGED that:

1. The Recommendation of the Magistrate Judge (Doc. 24) is ADOPTED;
2. The petition for habeas corpus relief filed by Petitioner regarding the claims identified in items 1-10 of Part I of the Recommendation of the Magistrate Judge is DENIED with prejudice as these claims were not filed within the period of limitations established by applicable federal law; and
3. Petitioner's actual innocence claim challenging the jurisdiction of the trial court to render judgment and/or sentence against him in 2007 for violating *Ala.Code* § 13A-6-110 is DISMISSED without prejudice to afford Petitioner an opportunity to exhaust all available state court remedies.

Final Judgment will be entered accordingly.

DONE this 29th day of September, 2016.

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