

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

RICHARD CHRISTOPHER ASHE, #244457,)	
)	
Petitioner,)	
)	
vs.)	CASE NO. 2:14-cv-375-WHA
)	
KARLA JONES, et al.,)	(WO)
)	
Respondents.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #11), entered on October 6, 2014, and the Petitioner’s Objection (Doc. #12), filed on October 27, 2014. Following an independent evaluation and *de novo* review of the file in this case, the court finds as follows:

The one-year federal limitation period for Ashe to file a timely §2254 habeas petition expired on July 26, 2007. Ashe filed his habeas petition on March 12, 2014. The Recommendation finds Ashe’s petition to be time barred under 28 U.S.C. § 2244(d).

In his objection, Ashe reasserts his argument that the federal limitation period does not apply to his petition because he raises a “jurisdictional” claim that the trial court allowed him to be convicted of a charge not contemplated within the original indictment. However, as noted in the Magistrate Judge’s Recommendation, there is no exception to the limitation period in § 2244(d) for claims regarding the state trial court’s jurisdiction.

Ashe also asserts, for the first time, that (1) the state prevented him from timely filing by making it difficult for him to obtain his trial transcript and other records and (2) his attorney

abandoned him. As noted, this is the first time he presents such allegation to this court. Moreover, the allegations are cursory and fail to assert facts that demonstrate the link between the matters alleged and his untimely filing.

Therefore, the Petitioner's objection is **OVERRULED**, the court **ADOPTS** the Recommendation of the Magistrate Judge, and it is hereby

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

DONE this 29th day of October, 2014.

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