

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

DARON DWANE HOWARD, #159809,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACT. NO. 2:22-cv-640-ECM
)	(WO)
GWENDOLYN BABERS, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM OPINION and ORDER

On June 15, 2023, the Magistrate Judge entered a Recommendation that the petition for writ of habeas corpus be dismissed as time-barred under the federal statute of limitations. (Doc. 22). On June 27, 2023, the Petitioner filed objections to the Recommendation. (Doc. 23). The Court has carefully reviewed the record in this case, the Recommendation of the Magistrate Judge, and the Petitioner’s objections. For the reasons that follow, the Court concludes that the Petitioner’s objections are due to be overruled, the Recommendation of the Magistrate Judge is due to be adopted, and the petition for writ of habeas corpus is due to dismissed.

When a party objects to a Magistrate Judge’s Report and Recommendation, the district court must review the disputed portions *de novo*. 28 U.S.C. § 636(b)(1). *See also United States v. Raddatz*, 447 U.S. 667, 674 (1980). The district court “may accept, reject, or modify the recommended disposition; receive further evidence; or resubmit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1). *De novo* review requires

that the district court independently consider factual issues based on the record. *Jeffrey S. by Ernest S. v. State Bd. of Educ. of State of Ga.*, 896 F.2d 507, 513 (11th Cir. 1990). However, objections to the Magistrate Judge's Report and Recommendation must be sufficiently specific in order to warrant *de novo* review. *See Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992) (“[w]henver any party files a timely and specific objection to a finding of fact by a magistrate, the district court has an obligation to conduct a *de novo* review of the record with respect to that factual issue.”)(quoting *LoConte v. Dugger*, 847 F.2d 745, 750 (11th Cir. 1988)). Otherwise, a Report and Recommendation is reviewed for clear error.

The Court has carefully reviewed the record in this case, the Recommendation of the Magistrate Judge, and the Petitioner's objections. In his objections, the Petitioner does not identify any error by the Magistrate Judge or challenge the Court's legal conclusions that his claims are barred by the statute of limitations. The Petitioner's objections are a recitation of the claims raised in his petition that are not properly before the Court at this time. His general objections are reviewed for clear error and are due to be overruled.

Accordingly, upon an independent review of the file in this case and for good cause, it is

ORDERED that the Plaintiff's objections (doc. 23) are OVERRULED, the Recommendation of the Magistrate Judge (doc. 22) is ADOPTED, and the petition for habeas corpus relief is DISMISSED.

