

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

WILLIAM LEE KIRBY, )  
# 182 340 )  
Petitioner, )  
v. )  
LEON FORNISS, WARDEN, *et al.*, )  
Respondents. )

CASE NO. 3:06-cv-456-WKW

**ORDER**

There being no objections filed to the Recommendation of the Magistrate Judge (Doc # 23), and upon an independent review of the file in this case, it is ORDERED that the Recommendation is adopted and that:

- 1. Petitioner’s 28 U.S.C. § 2254 petition for habeas corpus relief filed on May 25, 2006 is DENIED.
- 2. This cause of action is DISMISSED with prejudice as time-barred.

An appropriate judgement will be entered.

DONE this 1st day of October, 2008.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE