

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

JOHN MARK WHITTEN, AIS#179726,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 3:09cv201-TMH
)	
FREDDIE BUTLER, et al.,)	
)	
Respondents.)	

ORDER AND OPINION

On September 2, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 17). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The 28 U.S.C. § 2254 petition for habeas corpus relief filed by John Mark Whitten on March 5, 2009 is DENIED as Whitten failed to file the petition within the applicable one-year period of limitation.
2. This case is DISMISSED with prejudice.

Done this the 27th day of September, 2011.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE