

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

BOBBY AKLES HILL, #241257,)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 3:10cv544-WHA
)	
WILLIE THOMAS, et al.,)	(WO)
)	
Respondents.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #21), and the Petitioner's Objection thereto (Doc. #22).

This is a 28 U.S.C. § 2254 petition for writ of habeas corpus relief in which the Petitioner challenges a conviction for manslaughter imposed upon him in 2005 by the Circuit Court of Tallapoosa County, Alabama. The record establishes that Hill's manslaughter conviction became final on December 14, 2006. The Magistrate Judge recommends that the petition be denied and this case be dismissed because Hill failed to file this action prior to expiration of the one-year period of limitation set forth in 28 U.S.C. § 2244(d)(1).

In his objection, Hill does not challenge the determination that his petition was not timely filed; instead, he makes the conclusory allegation that the definition of self-defense set forth by Alabama law in effect at the time of his offense violated federal law, as it is preempted by the federal definition of self-defense in effect at the time of his offense. This allegation is without merit. The determination of what constitutes self-defense under Alabama criminal law is defined solely by state law. In addition, Hill cites no federal law which invalidates the definition of self-

defense applicable to his case.

Therefore, upon an independent evaluation and *de novo* review of this case, the court ADOPTS the Recommendation of the Magistrate Judge, the Petitioner's objection is OVERRULED, and it is hereby

ORDERED that this 28 U.S.C. § 2254 petition is DENIED for failure to file the petition within the one-year period of limitation set forth in 28 U.S.C. § 2244(d)(1), and this case is DISMISSED with prejudice.

DONE this 9th day of October, 2012.

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