

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

ARTHUR LEE WITHERSPOON, )  
# 260000, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
DEWAYNE ESTES, *et al.*, )  
 )  
Respondents. )

CASE NO. 3:14-CV-165-WKW

**ORDER**

On February 12, 2016, the Magistrate Judge filed a Recommendation (Doc. # 9) to which Petitioner timely filed an objection (Doc. # 11). The court has conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made, *see* 28 U.S.C. § 636(b), and finds that the objection is without merit.

Accordingly, it is ORDERED as follows:

- (1) Plaintiff’s objection (Doc. # 11) is OVERRULED;
- (2) The Recommendation (Doc. # 9) is ADOPTED;
- (3) Petitioner’s petition for writ of habeas corpus under 28 U.S.C. § 2254 (Doc. # 1) is DENIED;
- (4) All pending motions are DENIED as moot; and

(5) This case is DISMISSED with prejudice because the petition is time-barred by the one-year limitation period in 28 U.S.C. § 2244(d).

A separate final judgment will be entered.

DONE this 4th day of March, 2016.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE