

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

STEPHEN R. HARRIS,)	
)	
Petitioner)	
)	
vs.)	Case No. 1:13-cv-01965-KOB-HGD
)	
LEON FORNISS, Warden, and)	
THE ATTORNEY GENERAL)	
OF THE STATE OF ALABAMA,)	
)	
Respondents)	

MEMORANDUM OPINION

On November 21, 2013, the magistrate judge entered his report and recommendation, recommending that the court dismiss the habeas petition as barred by the statute of limitations. (Doc. 6). No party filed any objections, and the court entered a Memorandum Opinion and Final Judgment on February 10, 2014. (Docs. 7 & 8).

On February 12, 2014, petitioner filed a motion for extension of time to file objections to the report and recommendation. (Doc. 9). On March 4, 2014, the court vacated the Memorandum Opinion and Final Judgment entered February 10 and allowed petitioner until March 28, 2014, to file objections. (Doc. 10). Petitioner sought and obtained a further extension to April 1, 2014 to file any objections. (Doc.

11 & Docket Entry dated March 25, 2014). Petitioner filed objections to the report and recommendation on April 1, 2014. (Doc. 12). Those objections, however, do not address the key issue: whether this petition is time-barred.

The court has carefully considered the entire record in this case *de novo*, including the magistrate judge's report and recommendation and petitioner's objections. The court ADOPTS the report of the magistrate judge and ACCEPTS his recommendation to dismiss the habeas petition in this case as time-barred. The court finds that the petitioner has failed to show that equitable tolling is warranted because he has presented no extraordinary circumstances for his delay that were both beyond his control and unavoidable even with diligence.

The court will enter a separate Order in conformity with this Memorandum Opinion.

DONE and ORDERED this 11th day of April, 2014.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE