

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

TIMOTHY EARL WILKERSON,)	
)	
Petitioner,)	
)	
v.)	2:10-cv-02169-WMA-JEO
)	
GARY HETZELL, WARDEN,)	
ATTORNEY GENERAL, STATE)	
OF ALABAMA,)	
)	
Respondents.)	

MEMORANDUM OPINION AND ORDER


This case was remanded by the Eleventh Circuit Court of Appeals “for a factual determination as to when Timothy Wilkerson first delivered his *pro se* notice of appeal to prison authorities for mailing.” (Doc. 27). The magistrate judge assigned this case conducted an evidentiary hearing and found that Wilkerson delivered his stamped, *pro se* notice of appeal to prison authorities on October 27, 2014. (Doc. 42). No party has filed any objection to that determination.

The court has considered the entire file in this action together with the Magistrate Judge’s Report and Recommendation and has reached an independent conclusion that the Magistrate Judge’s Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court.

In accord with the recommendation, the court finds that Wilkerson delivered his stamped, *pro se* notice of appeal to prison authorities on October 27, 2014.

The Clerk is **DIRECTED** to serve a copy of this Memorandum Opinion and Order upon counsel of record and to provide a copy of the same to the Eleventh Circuit Court of Appeals.

DONE, this the 13th of October, 2015.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE