

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

GRADY BROWN,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 2:17-cv-01222-MHH-GMB
	)	
COUNTY OF JEFFERSON, et al.,	)	
	)	
Respondents.	)	

**MEMORANDUM OPINION**

On July 14, 2020, the magistrate judge appointed to this case entered a report in which he recommended that the Court deny petitioner Grady Brown’s request for federal habeas corpus relief pursuant to 28 U.S.C. § 2254 because Mr. Brown filed his petition after the one-year deadline for the petition expired. (Doc. 10). Judge Borden also recommended against a certificate of appealability. (Doc. 10). Although the parties were advised of their right to file written objections within 14 days, the Court has not received objections.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district judge must “make a *de novo* determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* FED. R. CRIM. P. 59(b)(3)

(“The district judge must consider *de novo* any objection to the magistrate judge’s recommendation.”). Although § 636(b)(1) “does not require the [district] judge to review an issue *de novo* if no objections are filed, it does not preclude further review by the district judge, *sua sponte* or at the request of a party, under a *de novo* or any other standard.” *Thomas v. Arn*, 474 U.S. 140, 154 (1985).

After review, the Court agrees that Mr. Brown’s federal habeas petition is time-barred. The Court notes that Mr. Brown is parole-eligible on his sentence for Count One, (Doc. 5-4), so Mr. Brown should review the procedures and deadlines for parole consideration. By separate order, the Court will dismiss this action with prejudice, and the Court will not issue a certificate of appealability.

**DONE and ORDERED** this September 25, 2020.



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**MADELINE HUGHES HAIKALA**  
UNITED STATES DISTRICT JUDGE