

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


<b>RENALDO DIAZ PEREZ,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3:15-cv-00719-AKK-TMP</b>
	)	
<b>CYNTHIA STEWART,</b>	)	
	)	
<b>Respondent.</b>	)	

**MEMORANDUM OPINION**

The magistrate judge filed his Report and Recommendation, doc. 9, in the above-styled cause on November 6, 2015, recommending that the §2254 petition for writ of *habeas corpus* challenging the constitutional validity of Petitioner’s conviction be denied and dismissed with prejudice because the petition is time barred. *Id.* As the magistrate judge noted, “[t]he petitioner was sentenced on August 3, 201[2]. His sentence became final on September 14, 2012, when his time to file for appellate review expired. Accordingly, the petitioner had until September 14, 2013, to timely file his peititon for *habeas corpus* pursuant to §2254.” Doc. 9 at 5. Petitioner filed his peition instead on “April 16, 2015, more than a year and a half after the limitations period had run.” *Id.* At 6.

Having now carefully reviewed and considered *de novo* all materials in the court file relevant to the case, including the petitioner's objections to the Report and Recommendation, the court finds that the report is due to be **ADOPTED** and the recommendation **ACCEPTED**. A corresponding order shall be entered contemporaneously herewith.

**DONE** this 2nd day of December, 2015.

  
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**ABDUL K. KALLON**  
UNITED STATES DISTRICT JUDGE