

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

ANDREW BRUCE KIMBER,

}

Petitioner,

}

}

}

v.

}

Case No.: 5:12-cv-02320-RDP-JEO

**JONES, *Warden*; THE ATTORNEY
GENERAL OF THE STATE OF
ALABAMA,**

}

}

}

}

Respondents.

}

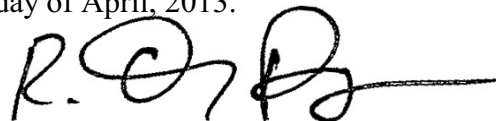
MEMORANDUM OF OPINION

The Magistrate Judge filed a Report and Recommendation (Doc. #9) on February 22, 2013, recommending that Petitioner's Petition for Writ of Habeas Corpus (Doc. #1) be denied and that this action be dismissed with prejudice, based upon the statute of limitations, 28 U.S.C. § 2244(d)(1). No objections were filed by any party.

Having now carefully reviewed and considered *de novo* all of the materials in the court file,¹ including the Report and Recommendation, the court is of the opinion that the Report is due to be and hereby is **ADOPTED**, and the Recommendation is **ACCEPTED**. Accordingly, Petitioner's Petition for Writ of Habeas Corpus (Doc. #1) is due to be denied and this action is due to be dismissed with prejudice, based upon the statute of limitations. A Final Judgment will be entered.

¹ The court notes that it was not required to conduct an independent review of the Report and Recommendation in this case because no party has filed objections. Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."). Nonetheless, the court has carefully reviewed the Magistrate Judge's Report and agrees with his conclusions.

DONE and ORDERED this 3rd day of April, 2013.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE