

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

HOWARD LYNN CREEL,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No.: 5:16-cv-00803-LSC-JEO
	)	
WARDEN LEE POSEY DANIELS,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

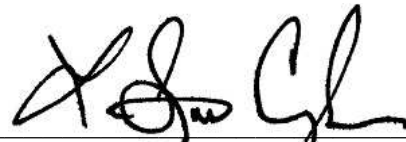
On or about May 13, 2016, Howard Creel, an Alabama state prisoner, filed this habeas corpus action pursuant to 28 U.S.C. § 2254. (Doc. 1). On April 12, 2018, the magistrate judge entered a report pursuant to 28 U.S.C. § 636(b) and FED.R.CIV.P. 72(b)(1), recommending that the action be dismissed with prejudice on the ground that it is barred by the applicable statute of limitations, 28 U.S.C. § 2244(d)(1). (Doc. 9). Despite being afforded an opportunity to object to the magistrate judge's recommendation, the petitioner has not filed any objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge's report and recommendation, the court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, the respondent's motion for summary dismissal is due to be **GRANTED**. Creel's

petition for writ of habeas corpus is due to be **DENIED** and this action is due to be **DISMISSED WITH PREJUDICE**. Furthermore, because the petition does not present issues that are debatable among jurists of reason, the court concludes that a certificate of appealability is also due to be **DENIED**. See 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000); Rule 11(a), RULES GOVERNING § 2254 PROCEEDINGS.

A separate final judgment will be entered.

**DONE AND ORDERED** ON MAY 11, 2018.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', written over a horizontal line.

L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE

160704