

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

ANTHONY WAYNE MCCA, )

Petitioner )

vs. )

Case No. 7:14-cv-00775-VEH-HGD

TERRY RAYBON, Warden, and )

THE ATTORNEY GENERAL OF )

THE STATE OF ALABAMA, )

Respondents )

**MEMORANDUM OPINION**


On May 13, 2014, the magistrate judge's report and recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. On May 16, 2014, petitioner filed a response to the magistrate judge's report and recommendation, in which he asks the court to enter final judgment dismissing the petition for writ of habeas corpus on the alternative ground recommended by the magistrate judge of failure to comply with 28 U.S.C. § 2244(b)(3)(A).

After careful consideration of the record in this case and the magistrate judge's report and recommendation and the petitioner's response thereto, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the

recommendations of the magistrate judge that the petition for writ of habeas corpus be dismissed as time-barred and, in the alternative, for failure to comply with 28 U.S.C. § 2244(b)(3)(A).

A separate order in conformity with this Memorandum Opinion will be entered contemporaneously herewith.

DONE this 28th day of May, 2014.

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**VIRGINIA EMERSON HOPKINS**  
United States District Judge