

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

EUGENE DUYANT KELLY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 7:19-cv-01660-ACA-HNJ
	)	
STATE OF ALABAMA, et al.,	)	
	)	
Respondents.	)	

**MEMORANDUM OPINION**

The magistrate judge entered a report recommending that the court deny as untimely Petitioner Eugene Duyant Kelly’s 28 U.S.C. § 2254 petition for writ of habeas corpus. (Doc. 13). The magistrate judge also recommended denying a certificate of appealability. (*Id.*). Although the magistrate judge advised the parties of their right to file specific written objections within fourteen days, the court has received no objections.

After careful consideration of the record in this case and the magistrate judge’s report, the court **ADOPTS** the report of the magistrate judge and **ACCEPTS** his recommendation. Accordingly, the court **DENIES** Mr. Kelly’s § 2254 and **WILL DISMISS** this action **WITH PREJUDICE**. The court **DENIES** a certificate of appealability.

The court will enter a separate final judgment.

**DONE** and **ORDERED** this July 31, 2020.



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**ANNEMARIE CARNEY AXON**  
**UNITED STATES DISTRICT JUDGE**