

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BILL KEMP (AIS # 090231), :
 :
 Petitioner, :
 :
 v. : CIVIL ACTION NO. 08-00745-WS-N
 :
 BILLY MITCHEM, :
 :
 Respondent. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that Petitioner's petition for habeas corpus relief is hereby **DISMISSED with prejudice** as untimely filed.

DONE this 3rd day of March, 2010.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE