

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

LLOYD BURNELL PHELPS,	:	
	:	
Petitioner,	:	
	:	
vs.	:	CIVIL ACTION 12-0028-CB-M
	:	
WILLIE THOMAS,	:	
	:	
Respondent.	:	

ORDER

After due and proper consideration of all pleadings in this file, 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 this habeas petition be DISMISSED as time-barred. It is further ORDERED that, should Petitioner file a certificate of appealability, it be DENIED as he is not entitled to appeal *in forma pauperis*.

DONE this 7th day of May, 2012.

s/Charles R. Butler, Jr. _____
CHARLES R. BUTLER, JR.
SENIOR UNITED STATES DISTRICT JUDGE