Taite v. Stewart Doc. 91

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

MARCUS ORLANDO TAITE,	)	
AIS #00180664,	)	
Petitioner,	)	
	)	
v.	)	**CIVIL ACTION NO. 13-00322-CG-N**
	)	
CYNTHIA STEWART, Warden,	)	
Fountain Correctional Facility,	)	
Respondent.	)	

ORDER

After due and proper consideration of the issues raised, and a de novo determination of those portions of the recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge (Doc. 85) dated June 28, 2016, and made under 28 U.S.C. § 636(b)(1)(B)-(C), Rule 8(b) of the Rules Governing Section 2254 Cases in the United States District Courts, and S.D. Ala. GenLR 72(a)(2)(R) is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Petitioner Taite's operative Petition for Writ of Habeas Corpus by a Person in State Custody under 28 U.S.C. § 2254 (Doc. 27) is **DISMISSED** as time-barred and that Taite is not entitled either to a Certificate of Appealability or to appeal in forma pauperis.

DONE and ORDERED this 4th day of August, 2016.

/s/ Callie V. S. Granade
SENIOR UNITED STAES DISTRICT JUDGE

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