

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

**BARRY LANDRY,**  
**(AIS # 259462),**  
**Petitioner,**

**vs.**

**DEWAYNE ESTES,**  
**Respondent.**

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

**CIVIL ACTION NO. 13-00645-KD-B**

**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 Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge dated September 26, 2014 and made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that Landry's habeas petition is **DISMISSED with prejudice** as time-barred and he is not entitled to a Certificate of Appealability, and consequently, is not entitled to appeal *in forma pauperis*.

**DONE and ORDERED** this the **6<sup>th</sup>** day of **November 2014**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**