

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

BENIGNO STEVEN GARZA, III, AIS)	
#243466,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No. 15-0527-CG-N
)	
PHYLLIS BILLUPS,)	
)	
Respondent.)	

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendations of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B)-(C), Rule 8(b) of the Rules Governing § 2254 Cases in the United States District Courts, and S.D. Ala. GenLR 72(a)(2)(R), and dated September 12, 2017, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Petitioner Benigno Steven Garza, III's operative Petition for Writ of Habeas Corpus by a Person in State Custody under 28 U.S.C. § 2254 (Doc. 7) is **DISMISSED with prejudice** as time-barred and that Garza is not entitled either to a Certificate of Appealability or to appeal in forma pauperis.

DONE and ORDERED this 5th day of October, 2017.

/s/ Callie V. S. Granade

SENIOR UNITED STATES DISTRICT JUDGE