

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

<b>MICHAEL J. GREEN,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 2:09-0105-KD-N</b>
	)	
<b>CHERYL PRICE, et al.,</b>	)	
	)	
<b>Respondents.</b>	)	

**ORDER**

After due and proper consideration of all pleadings in this file, 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 made under 28 U.S.C. § 636 is **ADOPTED** as the opinion of this Court with the following amendment:

the final two sentences of the first full paragraph on page 5 of the report and recommendation (“Green thus had until February 27, 2008, to timely file his appeal denying his Rule 35 petition. He did not do so, and thus his one-year filing period began to run again on that date.”) is deleted and replaced with “Petitioner’s one-year limitation period began to run again on February 14, 2008.

It is **ORDERED** that Green’s habeas petition is **DISMISSED** with prejudice as time barred.

**DONE** and **ORDERED** this 12th day of March, 2010.

/s/ Kristi K. DuBose  


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**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**