

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

CYNTHIA L. SKY, )  
Petitioner, ) 1:08-cv-00006 JWS  
vs. ) ORDER AND OPINION  
DEAN MARSHALL, ) [Re: Motion to Dismiss, Dkt. 43]  
Respondent. )  
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At docket 43, respondent Dean Marshall moves to dismiss Cynthia L. Sky's petition for a writ of habeas corpus as time barred. The motion was fully briefed, and the magistrate judge has recommended that the motion to dismiss be granted.

This court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). When reviewing such recommendations, this court conducts *de novo* review of all recommended conclusions of law and recommended findings of fact to which objections have been taken. Other recommended findings of fact are reviewed for clear error.

Applying the above standard of review, this court finds the recommended findings of fact and conclusions of law are correct in all material respects. This court adopts Magistrate Judge Longenbaugh's recommendations. Based thereon, the motion at docket 43 is **GRANTED**. The petition is dismissed with prejudice.

DATED at Anchorage, Alaska, this 22nd day of July 2009.

/s/ JOHN W. SEDWICK  
UNITED STATES DISTRICT JUDGE