

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

MARCUS LEWIS,
ADC #111474

PETITIONER

v.

No. 5:13-cv-354-DPM-HDY

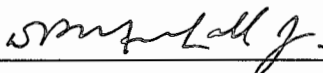
RAY HOBBS, Director, ADC

RESPONDENT

ORDER

Opposed recommendation, *No. 14*, adopted as supplemented. FED. R. Civ. P. 72(b)(3). Lewis's petition is dismissed with prejudice, not because his claims are procedurally defaulted, but because his petition is time-barred. *Martinez v. Ryan*, 132 S.Ct. 1309 (2012), and *Trevino v. Thaler*, 133 S.Ct. 1911 (2014), do not apply in this case. The alleged death of Lewis's counsel during the post-conviction proceedings was unfortunate. But there is no constitutional right to counsel at that stage. *Coleman v. Thompson*, 501 U.S. 722, 752 (1991). Considering all the circumstances, the Court sees no basis for equitable tolling. Motion to amend, *No. 15*, denied as moot.

So Ordered.



D.P. Marshall Jr.
United States District Judge

27 March 2014