

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

**ROBERT EUGENE JOHNSON**  
**ADC # 078181**

**PETITIONER**

**v.**

**Case No. 5:15-cv-00138-KGB/JTR**

**WENDY KELLEY, Director,**  
**Arkansas Department of Correction**

**RESPONDENT**

**ORDER**

The Court has received the Recommended Disposition (“Recommendation”) from Magistrate Judge J. Thomas Ray (Dkt. No. 13). Petitioner Robert Eugene Johnson timely filed objections to the Recommendation (Dkt. No. 14). After a careful review of the Recommendation, Mr. Johnson’s objections, and a *de novo* review of the record, the Court concludes that the Recommendation should be, and hereby is approved and adopted as this Court’s findings in all respects.

The Court writes separately to address Mr. Johnson’s objections to the Recommendation. For his sole objection, Mr. Johnson asserts that he filed his 28 U.S.C. § 2254 habeas action on September 17, 2012, not April 30, 2015. Mr. Johnson is correct in that he filed his first habeas action in September 2012,<sup>1</sup> but this present action was filed on April 30, 2015 (Dkt. No. 1). Regardless, neither habeas action is timely. As stated and explained in the Recommendation, Mr. Johnson had until and including October 25, 2011, to file a timely federal habeas petition and failed to so.

It is therefore ordered that:

1. Mr. Johnson’s petition for a writ of habeas corpus and the requested relief is denied.

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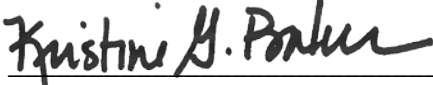
<sup>1</sup> *Johnson v. Hobbs*, Eastern District of Arkansas Case No. 5:12-cv-00370-KGB/JTR.

2. This case is dismissed with prejudice.

3. The Court certifies pursuant to Rule 11(a) of the Rules Governing Section 2254

Cases that a certificate of appealability is denied.

So ordered this 8th day of November 2017.

A handwritten signature in black ink, appearing to read "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker

United States District Judge