

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

RONNIE LEE CANADA,
ADC #155173

PETITIONER

v.

No. 5:15-cv-219-DPM


WENDY KELLEY, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

On *de novo* review, the Court declines the recommendation, *No 11*. FED. R. CIV. P. 72(b)(3). The Court reaches the same conclusion on dismissal, but for a different reason. As Kelley explains in her response, *No 8 at 5-8*, Canada's petition is time-barred. And nothing in the record suggests equitable tolling is appropriate. Canada's objections, *No 12*, are therefore overruled. His petition, *No 1*, will be dismissed with prejudice. No certificate of appealability will issue. 28 U.S.C. § 2253(c)(1)-(2).

So Ordered.



D.P. Marshall Jr.
United States District Judge

24 November 2015