

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

TOMMY DWAYNE HALL

PLAINTIFF

V.

CASE NO. 09-CV-4076

LARRY NORRIS, Director,
Arkansas Department of Correction

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed June 22, 2010, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 41). Judge Bryant recommends that Plaintiff Tommy Dwayne Hall's Petition for Writ of Habeas Corpus (Doc. 1) be denied. Hall has responded with timely objections. (Docs. 42 and 43).

Hall asserts the following claims in his petition: (1) his guilty plea was involuntary; (2) he was maliciously prosecuted and the prosecution coerced a witness to testify falsely against him; (3) the initial vehicle stop which led to his arrest and ultimate conviction was made without probable cause; (4) the state withheld exculpatory evidence; and (5) the state court failed to follow its own rules in accepting the guilty plea. In the Report and Recommendation, Judge Bryant found that Hall filed the petition at issue outside of the one-year limitation period, that equitable tolling is inapplicable in this case, and that the petition at issue is procedurally barred.

Hall objects to Judge Bryant's findings regarding the statute of limitations and the procedural bar to Hall's petition. The Court has conducted a *de novo* review of the entire file, including all

matters relevant to the petition. After careful consideration, the Court adopts the thorough reasoning of Magistrate Judge Bryant and will dismiss Hall's habeas petition for the reasons stated in the Report and Recommendation dated June 22, 2010 (Doc. 41). Because Judge Bryant correctly concluded that Hall filed the petition outside of the one-year limitation period, that equitable tolling is inapplicable in this case, and that Hall's petition is procedurally barred, Hall's objections to the Report and Recommendation are overruled.

For reasons stated herein and above, as well as those contained in Judge Bryant's Report and Recommendation (Doc. 41), Petitioner Hall's Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED**.

IT IS SO ORDERED, this 10th day of May, 2011.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge