

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

JAMES MARLIN

PLAINTIFF

v.

Civil No. 11-5060

GOVERNOR MIKE BEEBE,
STATE OF ARKANSAS

DEFENDANT

ORDER

NOW on this 11th day of July 2011, comes on for consideration the Report and Recommendation (document #6) of the Magistrate Judge, filed on May 20, 2011, and petitioner's objections thereto, entitled Motion to Continue Writ of Habeas Copus (document #7), filed on June 21, 2011. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendation and the same should and will be overruled.

2. The Report and Recommendation is sound in all respects and should be adopted *in toto*.

IT IS THEREFORE ORDERED

* that plaintiff's objections to the **Report And Recommendation** of the Magistrate Judge should be, and they hereby are, **overruled**;

* that the said **Report and Recommendation** of the Magistrate Judge should be, and it hereby is, **adopted in toto**.

IT IS FURTHER ORDERED that, because the instant petition for

Habeas Corpus relief, filed under 28 U.S.C. § 2254, is not timely and is barred by the statute of limitations, and is otherwise without merit, the petition should be, and hereby is **dismissed with prejudice**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE