

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

DONALD E. CALIANNO

PETITIONER

v.

Civil No. 12-5028

RAY HOBBS, Interim Director  
Arkansas Department of Corrections

RESPONDENT

AMENDED ORDER

Now on this 22nd day of February 2013, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #9), entered on January 28, 2013, and petitioner's objection thereto.

The Court has reviewed the Report and Recommendation and, being well and sufficiently advised, finds that it is sound in all respects. Petitioner's objection, which was untimely filed on February 20, 2013, states neither law nor fact to refute the Recommendation.

**IT IS THEREFORE ORDERED** that the **Magistrate Judge's Report and Recommendation** (document #9) is **adopted in toto**, and petitioner's objection is **overruled**. This Court's Order entered on February 20, 2013 (document #10) is hereby reaffirmed.

**IT IS FURTHER ORDERED** that, for the reasons stated in the Report and Recommendation, petitioner's **Motion to Vacate, Set Aside, or Correct a Sentence** pursuant to 28 U.S.C. § 2254 (document #1) is hereby **denied** and **dismissed with prejudice**.

IT IS SO ORDERED.

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