

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

DAVID KELLY

PETITIONER

V.

Civil No. 08-6030

LARRY B. NORRIS, Director,
Arkansas Department of Correction

RESPONDENT

O R D E R

On this 15th day of January 2009, there comes on for consideration the report and recommendation filed in this case on December 5, 2008, by the Honorable Barry A. Bryant, United States Magistrate for the Western District of Arkansas. (Doc. 7.) Petitioner was granted an extension through January 5, 2009 to file any written objections to the report and recommendation, however, none were filed. (Doc. 9.)

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Petitioner's 28 U.S.C. §§ 2241 and 2254 petition is hereby DENIED as untimely and DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge