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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 TERRELL LAW,

12 Petitioner,

13 v.

14 KATHLEEN ALLISON, Warden,

15 Respondent.
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Case No. EDCV 11-0097-GHK (JEM)

ORDER ACCEPTING
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings, the records on
18 file, and the Amended Report and Recommendation of the United States Magistrate Judge.
19 The Court has engaged in a de novo review of those portions of the Amended Report and
20 Recommendation to which Petitioner has objected. The Court accepts the ultimate
21 recommendation of the Magistrate Judge.
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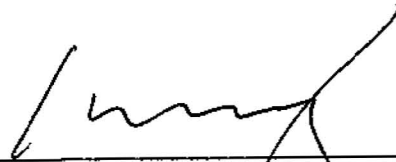
23 At the time the Amended Report and Recommendation was filed, the Ninth Circuit
24 had not yet decided whether a showing of actual innocence could overcome the AEDPA
25 statute of limitations. (See Amended Report and Recommendation at 8.) On August 2,
26 2011, after rehearing en banc, the Ninth Circuit issued an opinion in Lee v. Lampert, ___
27 F.3d ___, 2011 WL 3275947 (9th Cir. Aug. 2, 2011), in which it held that there is an actual
28 innocence exception to the AEDPA statute of limitations. Id. at *3. The Court concurs with

1 the analysis set forth in the Amended Report and Recommendation that Petitioner has
2 failed to show that the actual innocence exception applies in his case.

3 IT IS HEREBY ORDERED that Respondent's Motion to Dismiss be granted and that
4 Judgment be entered dismissing this action with prejudice.

5 IT IS SO ORDERED.

6 DATED: 9/18/11

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8 _____
9 GEORGE H. KING
10 UNITED STATES DISTRICT JUDGE