

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

JAMES THOMPSON,

PETITIONER,

-vs-

Case No. 1:15-cv-00264-WTH-EMT

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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**ORDER ACCEPTING REPORT AND RECOMMENDATION**  
**AND DISMISSING PETITION AS UNTIMELY**

This matter is before the Court on ECF No. 22, the Report and Recommendation of the Magistrate Judge, recommending that Mr. Thompson's petition under 28 U.S.C. § 2254 be dismissed as untimely. The parties were given the opportunity to file objections, but none were filed and the time for filing objections has passed. The Court agrees with the Magistrate Judge that petitioner had no collateral proceeding pending between October of 2011 and October of 2012. Thus, his federal one-year limitations period expired during that time and before he filed the instant petition. Accordingly, the Report and Recommendation of the Magistrate Judge is accepted and incorporated herein. The Clerk is directed to enter a judgment stating as follows: "Respondent's Motion to Dismiss, ECF No. 19, is GRANTED. The petition at ECF No. 1 is

DISMISSED WITH PREJUDICE as untimely. A certificate of appealability is DENIED.”

The Clerk is directed to close the file.

IT IS SO ORDERED.

DONE and ORDERED at Gainesville, Florida this 18<sup>th</sup> day of July, 2017.

A handwritten signature in blue ink, appearing to read "W. Penell Hodgson", is written above a horizontal line.

UNITED STATES DISTRICT JUDGE