

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JOSHUA METZLER,

Petitioner,

v.

4:24cv146–WS/MAF

WARDEN, Wakulla Correctional,

Respondent.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
AMENDED REPORT AND RECOMMENDATION

Before the court is the magistrate judge's amended report and recommendation (ECF No. 14) docketed August 21, 2024. The magistrate judge recommends that Petitioner's petition for writ of habeas corpus be dismissed as untimely. Petitioner has filed no objections to the magistrate judge's report and recommendation.

Upon review of the record, the undersigned has determined that the magistrate judge's report and recommendation is due to be adopted. Like the magistrate judge, the undersigned finds that Petitioner has failed to establish that

he filed his habeas petition in a timely manner. He has also failed to establish a tenable actual-innocence gateway to overcoming the one-year AEDPA limitations period. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (ECF No. 14) is hereby ADOPTED and incorporated by reference into this order.
2. Petitioner's petition for writ of habeas corpus (ECF No. 1) is DISMISSED with prejudice as time barred.
3. The clerk shall enter judgment stating: "The petitioner's petition for writ of habeas corpus is DISMISSED with prejudice."
4. A certificate of appealability is DENIED.
5. Leave to appeal in forma pauperis is DENIED.

DONE AND ORDERED this 25th day of September, 2024.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE