

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 08-61219-CIV-LENARD/WHITE

TOTO SIPRIEN,

Petitioner,
vs.

WALTER A. McNEIL,

Respondent.
_____ /

**ORDER ADOPTING REPORT & RECOMMENDATION OF MAGISTRATE
JUDGE (D.E. 11) AND DISMISSING PETITION FOR WRIT OF HABEAS
CORPUS (D.E. 1)**


THIS CAUSE is before the Court on the Report and Recommendation of the Magistrate Judge (“Report,” D.E. 11), issued on June 29, 2009, recommending that this Petition for Writ of Habeas Corpus be dismissed as untimely filed pursuant to 28 U.S.C. § 2244(d)(1)-(2). Therein, Petitioner was provided ten (10) days to file objections to the Report. To date, Petitioner has not filed any objections to the Report. Failure to timely file objections shall bar parties from attacking on appeal the factual findings contained in the report. See Resolution Trust Corp. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). Therefore, after an independent review of the Report and record, it is hereby

ORDERED AND ADJUDGED that:

1. The Report of the Magistrate Judge (D.E. 11) is **ADOPTED**.
2. Petitioner’s Petition for Writ of Habeas Corpus (D.E. 1), filed on July 31, 2008, is **DISMISSED** as untimely pursuant to 28 U.S.C. § 2244(d)(1)-(2).

3. This case is **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida this 7th day of August,
2009.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE