

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 13-61158-CIV-COHN/WHITE

CHRISTOPHER E. HOPE, SR.,

Petitioner,

v.

MICHAEL D. CREWS,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

**THIS CAUSE** is before the Court upon the Report of Magistrate Judge [DE 17] ("Report and Recommendation") submitted by United States Magistrate Judge Patrick A. White, regarding the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody [DE 1] ("Petition") of Christopher E. Hope, Sr. Pursuant to 28 U.S.C. § 636(b)(1), the Court has conducted a *de novo* review of the record herein, including the Petition, Respondent's Opposition [DE 13], the Report and Recommendation, and Petitioner's Objections [DE 19], and is otherwise advised in the premises.

In the Report and Recommendation, Judge White recommended dismissing the Petition as time-barred. DE 17 at 9. In his Objections, Petitioner does not dispute that his Petition was untimely. DE 19 at 3. Instead, Petitioner argues that he was unaware of the applicable limitations period under the Antiterrorism and Effective Death Penalty Act ("AEDPA"). *Id.* As Judge White correctly noted in his Report and Recommendation, however, ignorance of AEDPA's statute of limitations is insufficient to excuse the untimely filing of a petition for writ of habeas corpus. DE 17 at 6–7 (citing Felder v.

Johnson, 204 F.3d 168, 172 & n.10 (5th Cir. 2000) (collecting cases)). The Court therefore concurs in Judge White's determination that the Petition should be dismissed as time-barred.

It is accordingly **ORDERED AND ADJUDGED** as follows:

1. The Report of Magistrate Judge [DE 17] is **ADOPTED**.
2. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody [DE 1] is **DISMISSED** as time-barred.
3. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, Petitioner is **DENIED** a certificate of appealability. The Court notes that pursuant to Rule 22(b)(1) of the Federal Rules of Appellate Procedure, Petitioner may now seek a certificate of appealability from the Eleventh Circuit.
4. The Court will enter a separate Final Judgment consistent with this Order.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida, this 17th day of March, 2014.



JAMES I. COHN  
United States District Judge

Copies provided to:

Counsel of record via CM/ECF

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