

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Key West Division  
**Case Number:08-10047-CIV-MARTINEZ-WHITE**

JOHN M. BELLARD,  
Petitioner,

vs.

WALTER A. MCNEIL,  
Respondent.

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**ORDER ADOPTING MAGISTRATE JUDGE WHITE'S REPORT  
AND CLOSING CASE**

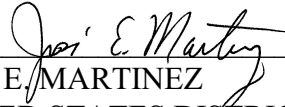
THE MATTER was referred to the Honorable Patrick A. White, United States Magistrate Judge for a Report on Petitioner's pro se petition for writ of habeas corpus filed pursuant to 28 U.S.C § 2254. Magistrate Judge White filed a Report (**D.E. No. 17**), recommending that Petitioner's petition be dismissed as untimely filed pursuant to 28 U.S.C. § 2244(d)(1)-(2) and in the alternative, denied. The Court has reviewed the entire file and record and notes that no objections have been filed. After careful consideration, it is hereby:

**ADJUDGED** that United States Magistrate Judge White's Report (**D.E. No. 17**) is **AFFIRMED** and **ADOPTED**. Accordingly, it is

**ADJUDGED** that

1. Petitioner's petition for writ of habeas corpus is dismissed as untimely filed pursuant to 28 U.S.C. § 2244(d)(1)-(2) and in the alternative, denied.
2. This Case is **CLOSED** and all pending motions are **DENIED** as **MOOT**.

DONE AND ORDERED in Chambers at Miami, Florida, this 29 day of April, 2009.

  
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JOSE E. MARTINEZ  
UNITED STATES DISTRICT JUDGE

Copies provided to:  
Magistrate Judge White  
All Counsel of Record  
John M. Bellard