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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

NICHOLAS ALEXANDER HARPER, Petitioner, vs. RALPH KEMP, Warden, Respondent.	:	CASE NO.: 1:08-CV-79 (WLS)

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge (Doc. #15), filed 11/25/08. It is recommended that Respondent's motion to dismiss Petitioner's petition for federal habeas relief (Doc. #8) be granted. Petitioner filed his objection (captioned "Answer-Response") (Doc. #16) on December 8, 2008. Petitioner makes no showing in his objection that the Magistrate Judge erred in finding the petition untimely.

Upon full review and consideration upon the record, the Court finds that the Report and Recommendation should be, and hereby is, ACCEPTED, ADOPTED and made the Order of the Court for the reasons of the findings made and the reasons stated therein. Accordingly, Respondent's motion to dismiss is GRANTED and Petitioner's petition for federal habeas relief is DENIED.

SO ORDERED, this 31st day of **March, 2009.**

/s/ W. Louis Sands
W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT

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