

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

ISAAC GRAHAM,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. 1:11-cv-123 (WLS)
	:	
JOSEPH BADEN,	:	
	:	
Respondent.	:	
	:	

**ORDER**

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed October 3, 2011. (Doc. 7). It is recommended that Petitioner’s 28 U.S.C. § 2254 habeas corpus petition, which challenges Petitioner’s 1971 guilty plea (*see* Doc. 1), be dismissed as time barred and that the Court deny Petitioner a certificate of appealability. (Doc. 7 at 3-5, 7).

The Report and Recommendation provided the Parties with fourteen (14) days<sup>1</sup> from the date of its service to file written objections to the recommendations therein. (Doc. 7 at 7). The period for filing objections expired on Thursday, October 20, 2011; no objections have been filed to date. (*See* Docket).

Upon full review and consideration of the record, and in view of the absence of any objection from the record, the Court finds that U.S. Magistrate Judge Thomas Q. Langstaff’s October 3, 2011 Report and Recommendation (Doc. 7) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated

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<sup>1</sup> The Parties were given an additional three days because service was made by mail. *See* Fed. R. Civ. P. 6(d) (adding three days to specified period within which a party may act if service is made under Rule 5(b)(2)(C) by mailing process to a party’s last known address).

therein. Accordingly, Plaintiff's federal habeas corpus petition, filed pursuant to 28 U.S.C. § 2254 (*see* Doc. 1), is **DISMISSED WITHOUT PREJUDICE**.

The Court further **DENIES** Petitioner a certificate of appealability for failure to make a substantial showing of the denial of a constitutional right, sufficient to issue a certificate of appealability. *See* 28 U.S.C. § 2253(c)(2).

**SO ORDERED**, this 25<sup>th</sup> day of October 2011.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,  
UNITED STATES DISTRICT COURT**