

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

JOHN DAVID LATIMER,	:	
	:	
Petitioner,	:	
	:	Case No. 3:13-CV-122
v.	:	
	:	Proceedings under 28 U.S.C. § 2254
STAN SHEPARD, Warden,	:	
	:	
Respondent.	:	
	:	

ORDER ON THE RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE

Before the Court is the Recommendation of the United States Magistrate Judge to dismiss Petitioner John David Latimer's petition for a writ of habeas corpus under 28 U.S.C. § 2254 as untimely. Petitioner did not file an objection to the Recommendation, and the time in which to do so has expired. Having considered the matter, the Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation [Doc. 42] is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Accordingly, Respondent Stan Shepard's Motion to Dismiss the Petition as Untimely [Doc. 23] is **GRANTED**, and the petition is **DISMISSED**. Because this Order dismisses the petition in its entirety, Petitioner's remaining Motions [Docs. 34, 38] are **DENIED** as moot. Additionally, because Petitioner has failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability is **DENIED**.

SO ORDERED, this 13th day of May, 2014.

S/ C. Ashley Royal

C. ASHLEY ROYAL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

ADP