

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

**TYRON MARK HOLMES,**

**Petitioner**

**v.**

**STEPHEN ROBERTS, WARDEN, and  
JAMES E. DONALD, COMM'R, GDOC,**

**Respondents**

**Civil Action No.  
5:07-CV-269 (HL)**

**ORDER**

Before the Court is the Magistrate Judge's Report and Recommendation ("R&R") (Doc. 34), which recommends granting Respondent's Motion to Dismiss (Doc. 11) and dismissing Petitioner's Writ of Habeas Corpus (Doc. 1). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Petitioner's Objection and has made a *de novo* determination of the portion of the R&R to which Petitioner objects. After careful consideration, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge.

**SO ORDERED**, this the 26<sup>th</sup> day of September, 2008

**s/ Hugh Lawson**  
**HUGH LAWSON, Judge**

wjc