

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