

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

EDUARDO L. LOCKLEY,

Petitioner,

v.

CLAY TATUM, WARDEN,

Respondent.

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CIVIL ACTION NO. 5:10-CV-383 (MTT)

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ORDER

This matter is before the Court on the Recommendation to Deny (the “Recommendation”) of United States Magistrate Judge Charles H. Weigle. (Doc. 11). The Magistrate Judge, having reviewed the Respondent’s Motion to Dismiss (the “Motion”), recommends denying the Motion because the weight of the evidence supports the Petitioner’s claim that he filed a timely federal habeas corpus petition. The Respondent did not file an objection to the Recommendation. The Court has reviewed the Recommendation, and the Recommendation is adopted and made the order of this Court. The Motion is **DENIED**.

**SO ORDERED**, this the 21st day of June, 2011.

s/Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT