

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

HERSCHEL GERALD BYRD,

Petitioner,

v.

FREDERICK HEAD
WARDEN, et al.,

Respondent.

CIVIL ACTION FILE
NO. 1:14-CV-3316-TWT

ORDER

This is a pro se habeas corpus action. It is before the Court on the Report and Recommendation [Doc. 5] of the Magistrate Judge recommending dismissing the action as untimely pursuant to 28 U. S. C. § 2244(d)(1)(B). The Petitioner's Objection that the one year period of limitations did not begin to run until he began serving his custodial sentence is without merit for the reasons set forth in the Report and Recommendation. The Court approves and adopts the Report and Recommendation as the judgment of the Court. This action is DISMISSED as untimely.

SO ORDERED, this 15 day of January, 2015.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge