

tolling the statute of limitations due to his pending state habeas petition. See Salas v. Pierce, 297 F. App'x 874, 878 (11th Cir. 2008) (*per curiam*) (finding plaintiff's pending habeas petition did not justify tolling statute of limitations in § 1983 action).

Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Plaintiff's motion for partial summary judgment (doc. no. 9) is **MOOT**, his complaint is **DISMISSED**, and this civil action is **CLOSED**.²

SO ORDERED this 22nd day of October, 2010, at Augusta, Georgia.



J. RANDAL HALL
UNITED STATES DISTRICT JUDGE

²Because Plaintiff's case is dismissed, his motion to appoint a special master (doc. no. 14-1) and motion for summary judgement (doc. no. 14-2) are **DENIED AS MOOT**.