

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

JOHNNIE L. HANSLEY,

Petitioner,

vs.

DEBORAH A. HICKEY, Warden, and
THE STATE OF GEORGIA,

Respondents.

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CIVIL ACTION NO.: CV208-046

ORDER

Presently before the Court are Petitioner Johnnie Hansley's ("Hansley") Objections to the Magistrate Judge's Report and Recommendation dated December 8, 2008. In his Objections, Hansley asserts he was not provided with assistance of counsel during his state criminal trial in a case in which he was arraigned in July 1985. Hansley requests that the Court take judicial notice of O.C.G.A. § 9-14-2, which allows individuals convicted in Georgia four (4) years in which to file a writ of habeas corpus in a state court. According to Hansley, 28 U.S.C. § 2241 is the proper statute by which to challenge the constitutionality of his two (2) state convictions which were later used to enhance the federal sentence he received in 1991.

Based on the undersigned's review of the record, the Magistrate Judge properly analyzed the allegations set forth in Hansley's petition. The Magistrate Judge was thorough in discussing how the bases upon which Hansley could attempt to seek relief would be foreclosed under 28 U.S.C. § 2255 jurisprudence.

The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Respondent's Motion to Dismiss is **GRANTED**. Hansley's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**. The Clerk of Court is authorized to enter the appropriate judgment of dismissal.

SO ORDERED, this 23rd day of January, 2009.



HONORABLE LISA GODBEY WOOD
UNITED STATES DISTRICT JUDGE