

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

JAMES ALBERT GROSSE,

Petitioner,

v.

BELINDA DAVIS, Warden,

Respondent.

CIVIL ACTION NO.: CV208-157

ORDER

Presently before the Court are Petitioner James Grosse's ("Grosse") Objections to the Magistrate Judge's Report and Recommendation. After an independent and *de novo* review of the entire record, including Grosse's Objections, the undersigned concurs with the Magistrate Judge's Report and Recommendation.

Grosse contends that he requested all the documents from his criminal trial three (3) times in a 20 year period. Grosse also contends that he was denied the right to appeal his case because his counsel failed to file an appeal upon his request in the time frame allotted to file an appeal. Grosse's remaining Objections are restatements of the allegations he made in his original petition.

Grosse's Objections are without merit. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Respondent's Motion to Dismiss is **GRANTED**. Grosse's petition, filed pursuant to 28 U.S.C. § 2254, is

**DISMISSED**, with prejudice, as it was not filed timely. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

**SO ORDERED**, this 20 day of August, 2009.



HONORABLE LISA GODBEY WOOD  
UNITED STATES DISTRICT JUDGE