

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

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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HORACE TEMPLE,)
)
Petitioner,)
)
v.)
)
WARDEN PHILLIP HALL,)
)
Respondent.)
_____)

CASE NO. CV416-105

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 14), to which objections have been filed (Doc. 16). After a careful de novo review of the record, the Court concludes that Petitioner's objections are without merit. Accordingly, the Report and Recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Respondent's Motion to Dismiss (Doc. 7) is **GRANTED** and Petitioner's 28 U.S.C. § 2254 Petition is **DISMISSED**. In addition, Petitioner is not entitled to a Certificate of Appealability, rendering moot any request for in forma pauperis status on appeal. The Clerk of Court is **DIRECTED** to close this case.

In his objections, Petitioner advances the general conclusion that he should be entitled to equitable tolling because he was diligent and faced with the extraordinary

circumstance of being uneducated in legal procedure. Petitioner, however, offers no examples of his diligence. Instead, Petitioner simply contends that he exercised diligence. Moreover, Petitioner's lack of legal acumen is not an extraordinary circumstance that warrants equitable tolling. See Johnson v. United States, 544 U.S. 295, 311 (2005) ("[W]e have never accepted pro se representation alone or procedural ignorance as an excuse for prolonged inattention when a statute's clear policy calls for promptness.").

SO ORDERED this 12th day of January 2017.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA