

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

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

2008 FEB -1 AM 9:58

CLERK *M. Sanders*
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RAMON JOHNSON,)
)
Petitioner,)
)
v.)
)
JAMES L. LANIER, Warden,)
)
Respondent.)
_____)

CASE NO. CV507-55

O R D E R

After a careful de novo review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court.

Plaintiff Ramon Johnson, an inmate currently incarcerated at Wayne State Prison in Odum, Georgia, filed the instant petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging a conviction obtained in the Superior Court of Ware County, Georgia. The Magistrate Judge has recommended that the petition be dismissed as untimely, because it was not filed within the one year period of limitations provided by 28 U.S.C. § 2244(d)(1).

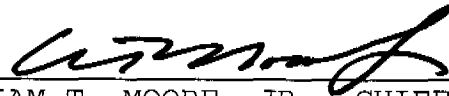
In his Objections, Petitioner lists several periods of time that he contends are subject to tolling but which were

not addressed by the Magistrate Judge's Report and Recommendation. For example, he lists a period of time during which he sought a modification of his sentence in the Superior Court of Ware County.

However, even if all possible periods of time were tolled in Petitioner's favor, his instant petition would still be untimely. The petition is therefore **DISMISSED**.

The Clerk of Court is **DIRECTED** to **CLOSE** this case.

SO ORDERED this 1st day of February, 2008.



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