

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

NOAH F. CORBITT,

Petitioner,

v.

MARTY C. ALLEN, Warden,

Respondent.

CIVIL ACTION NO.: CV514-058

ORDER

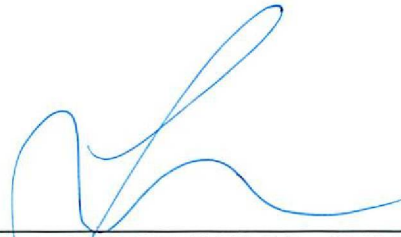
After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Petitioner Noah Corbitt ("Corbitt") filed Objections. In his Objections, Corbitt asserts that his state habeas corpus petition was properly filed, and the state court ruled on the merits of his petition. Corbitt also asserts that it would be unfair to not allow him to proceed with his 28 U.S.C. § 2254 petition.

The fact that the state court permitted Corbitt to proceed with the merits of his petition and denied his petition has no bearing on the statute of limitations period which is applicable to the filing of his section 2254 petition in this Court. The proper statute of limitations period for the filing of a federal habeas corpus petition attacking a state court conviction is found at 28 U.S.C. § 2244(d)(1), as the Magistrate Judge noted. The Magistrate Judge also noted that Corbitt is not entitled to equitable tolling, and Corbitt

offers nothing in his Objections which reveals that he is entitled to the application of this extraordinary remedy.

Corbitt's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Respondent's Motion to Dismiss is **GRANTED**. Corbitt's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 12 day of November, 2014.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA