

**In the United States District Court
For the Southern District of Georgia
Waycross Division**

GEODONALD WRIGHT,

Petitioner,

v.

WARDEN DOUG WILLIAMS,

Respondent.

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CIVIL ACTION NO.: 5:16-cv-43

ORDER

After an independent and *de novo* review of the record, the undersigned concurs with the Magistrate Judge's May 8, 2017, Report and Recommendation, dkt. no. 22, to which Petitioner Geodonald Wright ("Wright") filed Objections, dkt. no. 25. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court and **OVERRULES** Wright's Objections.¹

The Court **GRANTS** Respondent's Motion to Dismiss, dkt. no. 11, and **DISMISSES** Wright's Petition for Writ of Habeas

¹ Wright argues that the one year statute of limitations under 28 U.S.C. § 2244(d) (1) should be tolled because he filed his application for state post-conviction review within the state's four year statute of limitations. Dkt. No. 25, pp. 2-3. As the Magistrate Judge stated in his Report, this argument is unavailing. Dkt. No. 22, p. 4 ("A state court filing after the federal habeas deadline does not revive the statute of limitations period applicable to Section 2254 petitions.") (quotations and citations omitted).

Corpus, brought pursuant to 28 U.S.C. § 2254, dkt. no. 1, as untimely filed. Additionally, the Court **DENIES** Wright a certificate of appealability and **DENIES** Wright leave to proceed *in forma pauperis* on appeal.

The Court **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case

SO ORDERED, this 19 day of July, 2017.

HON. LISA GOBBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA