

FILED
 U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF GEORGIA
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 SOUTHERN DISTRICT OF GA.

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

MONROE OLIVER,

Petitioner,

vs.

DARRELL HART, Warden,

Respondent.

CIVIL ACTION NO.: CV608-112

ORDER

On July 21, 2009, Magistrate Judge James E. Graham entered a Report recommending that Respondent's Motion to Dismiss be granted. The Report also recommended that the petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254 be dismissed, as it was not timely filed. Petitioner's Objections are not responsive to the Report and Recommendation. After an independent review of the record including, Petitioner's objections, the Court concurs with the Magistrate Judge's Report and Recommendation and adopts it as the opinion of the Court.

Respondent's Motion to Dismiss is **GRANTED**. The petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, is **dismissed**, with prejudice. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment of Dismissal.

SO ORDERED, this 24 day of August, 2009.

B. Avant Edenfield
 B. AVANT EDENFIELD, JUDGE
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF GEORGIA