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

TRINITY MACARDIO TELFAIR,

Petitioner,

VS.

CIVIL ACTION NO.: CV609-044

VICTOR WALKER, Warden,

Respondent.

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 Objections have been filed. In his Objections, Telfair contends that equitable tolling is appropriate in this case because the state court appointed his trial counsel to be his counsel on appeal. Telfair also contends that the state court denied him the right to effective assistance of appellate counsel.

Telfair's Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Respondent's Motion to Dismiss is **GRANTED**. Telfair's petition for writ of habeas corpus, filed pursuant to 28

U.S.C. § 2254, is DISMISSED as being untimely filed.	The Clerk of Court is authorized
to enter the appropriate judgment of dismissal.	

SO ORDERED, this and day of February, 2010.

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