Vaughn v. Haney Doc. 10

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY SOUTHERN DIVISION LONDON

GARY D. VAUGHN,)	
Petitioner,)	Civil Action No. 09-56-ART
V.)	
STEVE HANEY,)	ORDER
Respondent.)	
respondent.)	
) *** *** ***	***

On March 2, 2009, Magistrate Judge Robert E. Wier ordered the petitioner, Gary D. Vaughn, to show why his petition under 28 U.S.C. § 2254 for writ of habeas corpus, R. 1, should not be dismissed as untimely. R. 4. On March 24, 2009, Vaughn filed a response to the show cause order. R. 8. Since Vaughn's response did not challenge the Court's previous timeliness calculation and it only supported equitable tolling, on December 8, 2009, Judge Wier recommended that the Court dismiss his petition as untimely. R. 9.

Vaughn had fourteen days from December 8, 2009, to file any objections to Judge Wier's Report and Recommendation, R. 9. *See* Fed. R. Civ. P. 72(b). He did not, and thus, the time for filing objections has expired. Accordingly, it is **ORDERED** that Judge Wier's Report and Recommendation, R. 9, is **ADOPTED** as the opinion of the Court. A Judgment shall be entered

concurrently with this Order.

This the 28th day of December, 2009.

SOLITES DISTRICT CONTROL OF THE PROPERTY OF TH

Signed By:

Amul R. Thapar AT

United States District Judge