

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA

2009 FEB 25 PM 4:51

LORETTA G. WHYTE  
CLERK *m*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**KENLY ROSE**

**CIVIL ACTION**

**VERSUS**

**NO. 06-3295**

**BURL CAIN, WARDEN, LOUISIANA  
STATE PENITENTIARY**

**SECTION "F"(6)**

**ORDER**

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file an objection to the Magistrate Judge's Report and Recommendation, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

**IT IS ORDERED** that the petition of Kenly Rose for issuance of a writ of habeas corpus under 28 U.S.C. § 2254 be **DISMISSED WITH PREJUDICE** as time-barred.

New Orleans, Louisiana, this 25<sup>th</sup> day of Feb, 2009.

*Martin J. C. Friedman*  
UNITED STATES DISTRICT JUDGE

Fee \_\_\_\_\_  
Process \_\_\_\_\_  
☒ Dktd \_\_\_\_\_  
CtRmDep \_\_\_\_\_  
Doc. No. \_\_\_\_\_