

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RICHARD L. MUNSTER, JR.

CIVIL ACTION

VERSUS

NUMBER: 13-0621

22ND JUDICIAL DISTRICT COURT

SECTION: "S" (5)

O R D E R

The Court, having considered the petition, the record, the applicable law, the Magistrate Judge's Report and Recommendation, and the petitioner's objections to the Magistrate Judge's Report and Recommendation, hereby approves the Magistrate Judge's Report and Recommendation and adopts it as its opinion herein.

Petitioner argues that his petition for a writ of habeas corpus related to his November 22, 2010, conviction in the Twenty-Second Judicial District Court, Parish of St. Tammany, State of Louisiana, was timely because he was waiting for the resolution of similar charges that remained pending in the Twenty-First Judicial District Court, Parish of Tangipahoa, State of Louisiana, until January 2012. The charges against petitioner in the Twenty-First Judicial District Court, Parish of Tangipahoa, State of Louisiana resulted in a separate conviction that would be subject to separate proceedings under 28 U.S.C. § 2254. Therefore, the pendency of those charges is not a grounds for tolling the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") statute of limitations on petitioners November 22, 2010, conviction in the

Twenty-Second Judicial District Court, Parish of St. Tammany, State
of Louisiana.

Accordingly,

IT IS ORDERED that the application for federal habeas corpus
relief of petitioner, Richard L. Munster, Jr., is **DISMISSED** with
prejudice.

New Orleans, Louisiana, this 9 day of July,
2013.


UNITED STATES DISTRICT JUDGE