

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ALBERT MITCHELL

VERSUS

W.S. McCAIN, WARDEN

CIVIL ACTION

NO. 16-13433

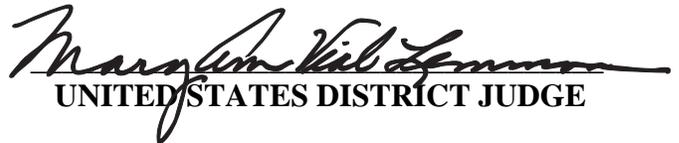
SECTION "S" (4)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the petitioner's 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. The petitioner uses Louisiana law to argue that his federal habeas petition should not be untimely, and argues that he should prevail on the merits of his claims. As explained by the Magistrate Judge, the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), Pub. L. No. 104-132, 110 Stat. 1214, applies to petitioner's federal habeas petition, and it is untimely under that law, and the merits of the claims need not be addressed. Therefore,

IT IS ORDERED that Albert Mitchell's petition for issuance of a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 is **DISMISSED WITH PREJUDICE** as time-barred.

New Orleans, Louisiana, this 11th day of January, 2017.


UNITED STATES DISTRICT JUDGE