

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

MICHAEL CURTIS

CIVIL ACTION

VERSUS

NO. 16-16292

SANDY MCCAIN

SECTION: "H"(3)

ORDER

The Court, having considered the petition, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and Petitioner's objections 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 own opinion.

In Petitioner's objections, Petitioner argues that his writ application to the Louisiana Supreme Court was timely because it was filed fewer than thirty days from when Petitioner received the notice of the original judgment of the court of appeal. *See* Doc. 14. Louisiana Supreme Court Rule X, Section 5(a), however, states that the filing period begins to run when the notice of judgment is mailed, i.e. placed in the mail, not when the noticed is received. *See* La. Sup. Ct. R. 10, § 5(a).

Accordingly,

IT IS ORDERED that the federal application for habeas corpus relief filed by Michael Curtis is **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana, this 13th day of April, 2018.


UNITED STATES DISTRICT JUDGE