

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

MICHAEL ALLEN

CIVIL ACTION

VERSUS

NO. 19-14737

**DARREL VANNOY, WARDEN
LOUISIANA STATE PENITENTIARY**

SECTION "T"(4)

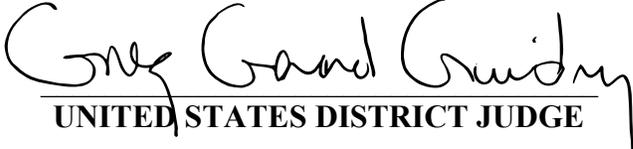
ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the Chief United States Magistrate Judge, and the objection to the Chief Magistrate Judge's Report and Recommendation filed by Michael Allen, hereby overrules the objection, approves the Report and Recommendation of the Chief United States Magistrate Judge, and adopts such as its opinion in this matter for the reasons assigned below.

In his objection, Petitioner reiterates his assertions that the state court failed to timely provide notice of the judgment, which thereby precluded him from timely seeking further review, and that he is otherwise entitled to equitable tolling under post-AEDPA jurisprudence because he diligently attempted to check on the status of his petition in the state court. The Chief Magistrate Judge, however, thoroughly considered Petitioner's assertions and concluded his federal filing was untimely pursuant to the AEDPA's limitation period in § 2254 and he was not entitled to equitable tolling or any other exception to his untimely filing. This Court finds no error of fact or law in the Chief Magistrate Judge's reasoning, and therefore overrules Petitioner's objection. Accordingly,

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

New Orleans, Louisiana, this 17th day of November, 2021.


UNITED STATES DISTRICT JUDGE