

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DIST COURT  
MIDDLE DIST. OF LA

2009 MAR -6 P 2:14

KENDRICK FISHER (#349524)

VERSUS

CIVIL ACTION NO.: 08-618-JVP-DLD

WARDEN BURL CAIN, ET AL

SIGN  
BY DEPUTY CLERK

**RULING ON HABEAS CORPUS APPLICATION**

The court has carefully considered the petition, the record, the law applicable to this action, and the Supplemental Report and Recommendation of United States Magistrate Judge Dalby dated January 27, 2009 (doc. 5). Defendant has filed an objection which merely restates legal argument and does not require *de novo* factual findings under 28 U.S.C. § 636.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the petitioner's application for habeas corpus relief shall be **DISMISSED**, with prejudice, as untimely pursuant to 28 U.S.C. § 2244(d).

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, March 4<sup>th</sup>, 2009.

*James J. Baroy for*  
*U.S.D.J.*  
JOHN V. PARKER  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA