

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

VICTOR MCCLENDON (#482673)

CIVIL ACTION

VERSUS

N. BURL CAIN, ET AL.

NO.: 3:12-cv-00615-BAJ-RLB

RULING AND ORDER

Before the Court is Petitioner's **PETITION UNDER 28 U.S.C. § 2254 FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (Doc. 1)**. The Magistrate Judge has issued a **REPORT AND RECOMMENDATION (Doc. 19)**, recommending that Petitioner's Petition "be denied as untimely pursuant to 28 U.S.C. § 2244(d)," (*id.* at p. 15). Petitioner filed timely objections to the Magistrate Judge's Report. (Doc. 20).

Having independently considered Petitioner's **PETITION (Doc. 1)** and related filings—including Petitioner's objections—the Court **APPROVES** the Magistrate Judge's **REPORT AND RECOMMENDATION (Doc. 19)**, and **ADOPTS** it as the Court's opinion herein.

Accordingly,

IT IS ORDERED that Petitioner's § 2254 Petition (Doc. 1) is **DISMISSED WITH PREJUDICE** for the reasons explained in the

Magistrate Judge's Report and Recommendation (Doc. 19).

Baton Rouge, Louisiana, this 4th day of December, 2013.

A handwritten signature in black ink, appearing to read "Brian A. Jackson", written over a horizontal line.

**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**