

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JOHNELL MATTHEWS (#119115)

CIVIL ACTION

VERSUS

S. W. MCCAIN, ET AL.

NO. 18-00589-BAJ-EWD

RULING AND ORDER

Before the Court is Petitioner's **Petition Under 28 U.S.C. § 2254 For 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 application for habeas corpus relief be denied as untimely, and, further, that the Court deny Petitioner a certificate of appealability. There is no objection to the Magistrate Judge's recommendation.¹

Having carefully considered Petitioner's Petition and related filings, the Court **APPROVES** the Magistrate Judge's Report and Recommendation and **ADOPTS** it as the Court's opinion in this matter.

Accordingly,

IT IS ORDERED that Petitioner's Petition (Doc. 1) be and is hereby **DENIED** as untimely.

¹ Petitioner's objection, if any, would ordinarily be due within 14 days of service of the Magistrate Judge's Report and Recommendation. 28 U.S.C. § 636(b)(1). Here, however, by General Order No. 2021-7, the Chief Judge of this District suspended all deadlines for a period of 30 days commencing August 26, 2021, in response to the impact of Hurricane Ida. Still, despite the extension afforded by General Order No. 2021-7, Petitioner has not filed any objection.

IT IS FURTHER ORDERED that this action be and is hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that a certificate of appealability be and is hereby **DENIED** because reasonable jurists would not debate the correctness of this Court's ruling that Petitioner's application is untimely.

Judgement shall be entered separately.

Baton Rouge, Louisiana, this 29th day of September, 2021



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