

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

TIMOTHY DEWAYNE WILLIAMS

CIVIL ACTION NO. 15-2346

VERSUS

JUDGE S. MAURICE HICKS, JR.

JAY MORGAN

MAGISTRATE JUDGE HORNSBY

MEMORANDUM RULING

Before the Court is the Report and Recommendation issued by Magistrate Judge Hornsby (Record Document 8). Plaintiff, Timothy Williams (“Williams”), timely filed objections to the Magistrate Judge’s Report and Recommendation (Record Document 9) on February 16, 2016. Williams also filed a Motion to Reconsider (Record Document 10) on March 14, 2016, again in relation to the Report and Recommendation. The Motion to Reconsider was denied by Magistrate Judge Hornsby (Record Document 11) on March 15, 2016. Williams then filed additional “Objections to the Magistrate Judge’s Report and Recommendation” (Record Document 12) which has been construed as a Magistrate Appeal.

This Court will consider Record Documents 9 and 12 as objections to the Report and Recommendation issued by Magistrate Judge Hornsby.¹ Likewise, out of an abundance of caution, this Court has also considered Record Document 10 as objections to the Report and Recommendation. For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record,

¹If the Court were to consider Record Document 12 as a Magistrate Appeal, Magistrate Judge Hornsby’s Order would have to be clearly erroneous or contrary to law to be overturned. Williams has not made such a showing; therefore, the Magistrate Appeal would be **DENIED**.

including **all** written objections filed by Williams, and determining that the findings are correct under the applicable law;

IT IS ORDERED that Petitioner's application for writ of habeas corpus be **DENIED AND DISMISSED WITH PREJUDICE**, sua sponte, because it is time-barred by the one-year limitation period imposed by the AEDPA.

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires the district court to issue or deny a certificate of appealability when it enters a final order adverse to the applicant. The court, after considering the record in this case and the standard set forth in 28 U.S.C. Section 2253, denies a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana, on this 6th day of April, 2016.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE