

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Case No. 13-13194-RGS

LAWRENCE ZINSER

v.

DEPARTMENT OF CORRECTIONS MCI-NORFOLK,
GARY RODEN, SUPERINTENDENT

ORDER ON REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

December 29, 2014

STEARNS, D.J.

I agree with Magistrate Judge Boal that Lawrence Zinser's petition is time-barred and that there is no basis for invocation of the doctrine of equitable tolling. Zinser makes no showing of the extraordinary circumstances necessary to toll the limitations period under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA).¹ His

¹ AEDPA provides for a one-year period of limitations during which "a person in custody pursuant to the judgment of a State court" may apply for federal habeas relief. 28 U.S.C. § 2244(d). Absent tolling, the limitations period begins to run from "the date on which the judgment became final by

appellate counsel did an admirable job in his representation and there is no evidence of a mental disability on Zinser's part to justify his late filing. Therefore, Judge Boal's Recommendation is ADOPTED and the petition is DISMISSED with prejudice. The Clerk will enter judgment for the Respondent and close the case.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE

the conclusion of direct review or the expiration of the time for seeking such review." *Id.* at § 2244(d)(1)(A).