

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MICHAEL OWENS, #R5927	§	PETITIONER
	§	
VERSUS	§	CIVIL ACTION NO. 1:04cv898DMR-JMR
	§	
WARDEN EARNEST LEE and JIM HOOD	§	RESPONDENTS

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
GRANTING MOTION TO PROCEED IN FORMA PAUPERIS**

BEFORE THE COURT is the Report and Recommendation of the U. S. Magistrate Judge entered on January 23, 2006 [Doc. No. 14], recommending that the Motion of the Respondents to Dismiss Pursuant to the one-year limitations period of 28 U.S.C. §2244(d) [Doc. No. 13] be granted and the above-captioned action be dismissed. After careful consideration of the record, the Objection filed by the Petitioner [Doc. No. 15], and the applicable case law, this Court is of the opinion that said Report and Recommendation will be adopted as it is neither clearly erroneous nor contrary to law as set forth in Rule 72 of the Federal Rules of Civil Procedure.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation of the U. S. Magistrate Judge entered in this cause on January 23, 2006 [Doc. No. 14], recommending that the Motion of the Respondents to Dismiss Pursuant to the one-year limitations period of 28 U.S.C. §2244(d) [Doc. No. 13] be granted, be and is hereby **ADOPTED** as the finding of this Court; as such, the Motion of the Respondents to Dismiss Pursuant to §2244(d) [Doc. No. 14] shall be and is hereby **GRANTED WITH PREJUDICE**.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion of the Petitioner to proceed in forma pauperis before this Court be and is hereby **GRANTED** [Doc. No. 16].

IT IS FURTHER ORDERED AND ADJUDGED that a Final Judgment shall be entered in this cause.

SO ORDERED AND ADJUDGED this the 22nd day of March, 2006.

/S/ DAN M. RUSSELL, JR.
UNITED STATES DISTRICT JUDGE