

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

HERBERT G. ROLES, III #L4829

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PETITIONER

v.

CAUSE NO. 1:09CV652 LG-RHW

JAQUELYN BANKS

RESPONDENT

**ORDER ADOPTING PROPOSED FINDINGS OF FACT
AND RECOMMENDATIONS AND
DISMISSING PETITION FOR WRIT OF HABEAS CORPUS**

This cause comes before the Court on the Proposed Findings of Fact and Recommendations [16] of United States Magistrate Judge Robert H. Walker entered in this cause on December 14, 2009. Magistrate Judge Walker reviewed Petitioner's Application for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, the Respondent's Motion to Dismiss, and the Petitioner's response. He determined that the grounds asserted in the Application did not entitle Petitioner to relief because the petition was time-barred, and therefore the application should be denied and the petition dismissed.

Petitioner's copy of the Proposed Findings of Fact and Recommendations was mailed to his address on file and receipt was acknowledged on December 21, 2009. Ct. R. 17. The Petitioner has not filed any objection to the Magistrate Judge's findings or conclusions. Under these circumstances, the Court need only review the Proposed Findings of Fact and Recommendations and determine whether they are either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After having thoroughly reviewed the Proposed Findings of Fact and Recommendations, the Court finds them neither clearly erroneous nor contrary to law. They will be adopted as the findings and conclusions of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendations [16] of United States Magistrate Judge Robert H. Walker entered in this cause on December 14, 2009, should be, and the same hereby are, adopted as the findings of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Respondent's Motion to Dismiss [14] is **GRANTED**. Petitioner's request for habeas corpus relief pursuant to 28 U.S.C. § 2254 is **DISMISSED**.

SO ORDERED AND ADJUDGED this the 22nd day of January, 2010.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE