

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

ALVIN BELL CEASEAR, #136863	§	PETITIONER
v.	§	Civil Action NO. 1:10cv521-LG-RHW
RON KING, Superintendent of SMCI	§ § §	RESPONDENT

**ORDER ADOPTING PROPOSED FINDINGS OF FACT AND
RECOMMENDATIONS**

BEFORE THE COURT is the Proposed Findings of Fact and Recommendations [10] entered by United States Magistrate Judge Robert H. Walker. Judge Walker recommends that the Motion to Dismiss [9] filed by Ron King be granted, and that the Motion for Stay [3] filed by Alvin Bell Ceasear be denied. Judge Walker determined that Ceasear’s petition is time-barred, and Ceasear failed to exhaust his administrative remedies.

Ceasear was advised that he must file any objections to Judge Walker’s recommendations within fourteen days of being served with a copy of the Proposed Findings of Fact and Recommendations. The Court record reveals that Ceasear has not filed an objection to the Proposed Findings of Fact and Recommendations.

Where no party has objected to the Magistrate Judge’s proposed findings of fact and recommendation, the Court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). In such cases, the Court need only satisfy itself that there is no clear error

on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that Judge Walker's Proposed Findings of Fact and Recommendations is neither clearly erroneous nor contrary to law. Therefore, the Court finds that the Proposed Findings of Fact and Recommendations entered by United States Magistrate Judge Robert H. Walker should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendations [10] entered by United States Magistrate Judge Robert H. Walker, be, and the same hereby is, **ADOPTED** as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion to Dismiss [9] filed by Ron King is **GRANTED**, while the Motion for Stay [3] filed by Ceasear is **DENIED**. The petition for writ of habeas corpus filed by Ceasear is **DISMISSED**.

SO ORDERED AND ADJUDGED this the 5th day of August, 2011.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE