

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

DANIEL CORRING

PETITIONER

VERSUS

CIVIL ACTION NO. 1:13-cv-97-HSO-RHW

RONALD KING

RESPONDENT

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED
FINDINGS OF FACT AND RECOMMENDATION, GRANTING
RESPONDENT'S MOTION TO DISMISS, DENYING PETITION FOR WRIT
OF HABEAS CORPUS, AND DISMISSING CASE WITH PREJUDICE**

This matter comes before the Court on the Proposed Findings of Fact and Recommendation [10] of United States Magistrate Judge Robert H. Walker, entered in this case on July 17, 2013, and the Motion to Dismiss [8] filed by Respondent Ronald King on May 3, 2013. Petitioner filed a Response [9] to the Motion on May 23, 2013. The Magistrate Judge reviewed Petitioner Daniel Corring's Petition for Writ of Habeas Corpus [1] filed pursuant to 28 U.S.C. § 2254, Respondent's Motion to Dismiss [8], and Petitioner's Response [9], and determined that the Motion to Dismiss [8] should be granted. Proposed Findings of Fact and Recommendation [10], at p. 5. The Magistrate Judge recommended that Petitioner's Petition for Writ of Habeas Corpus [1] be denied as procedurally barred. *Id.*

The Proposed Findings of Fact and Recommendation [10] were mailed to Petitioner on July 17, 2013, via certified mail return receipt requested. An acknowledgment of receipt [11] signed by Petitioner, while not dated, was received by the Clerk of Court and filed into the record on July 23, 2013. Petitioner therefore received a copy of this document on or before that date. Any objection to

the Magistrate Judge's Proposed Findings of Fact and Recommendation [10] was due within fourteen (14) days of service. L.U. Civ. R. 72(a)(3). To date, Petitioner has not filed any objection to the Magistrate Judge's Proposed Findings of Fact and Recommendation [10].

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. 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 applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court concludes that the Magistrate Judge's findings are not clearly erroneous, nor are they an abuse of discretion or contrary to law. For the foregoing reasons, the Court will adopt the Magistrate Judge's Proposed Findings of Fact and Recommendation [10] as the opinion of this Court. Petitioner Daniel Corring's Petition for Writ of Habeas Corpus [1] filed pursuant to 28 U.S.C. § 2254 should be denied, and this civil action will be dismissed with prejudice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Proposed Findings of Fact and Recommendation [10] of Magistrate Judge Robert H. Walker, entered on July 17, 2013, is adopted in its entirety as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the Motion to Dismiss [8] filed by Respondent Ronald King on May 3, 2013, is **GRANTED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Petitioner Daniel Corring's Petition for Writ of Habeas Corpus [1], filed pursuant to 28 U.S.C. § 2254, is **DENIED**, and this civil action is **DISMISSED WITH PREJUDICE**. A separate judgment in accordance with this Order will be entered, as required by Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 19th day of August, 2013.

s/ Halil Suleyman Ozerdan
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE