

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

RONNIE MCDONALD

VS.

CIVIL ACTION NO. 1:14cv116-KS-MTP

CHRISTOPHER B. EPPS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause came on this date to be heard upon the Report and Recommendation [8] of the United States Magistrate Judge entered herein on September 26, 2014, after referral of hearing by this Court, no objections having been filed as to the Report and Recommendation, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation be, and the same hereby is, adopted as the finding of this Court, and Respondent's Motion to Dismiss [5] is **granted**, and that Petitioner's Application for Writ of Habeas Corpus is **denied**. The claims that accrued before November 15, 2012, should be **dismissed with prejudice** because they are time barred. The claims that accrued from November 15, 2012, through January 2013, should be **dismissed without prejudice** because of Petitioner's failure to exhaust. A separate Judgment will be entered herein as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 15th day of October, 2014.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE