

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

GREGORY S. HOPKINS	§	PLAINTIFF
	§	
v.	§	CIVIL NO.: 1:16cv359-HSO-FKB
	§	
CLIFTON KAHO, WARDEN	§	DEFENDANT

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION [11], GRANTING DEFENDANT'S MOTION TO
DISMISS [6], AND DISMISSING PLAINTIFF'S PETITION [1]**

BEFORE THE COURT is the Report and Recommendation [11] of United States Magistrate Judge F. Keith Ball, entered in this case on May 18, 2017, recommending that the Court deny Petitioner Gregory Hopkins' ("Petitioner" or "Hopkins") Petition [1] for Writ of Habeas Corpus pursuant to 28 U.S.C. §2254 and dismiss this civil action. R. & R. [11] at 1. Also before the Court is the Respondent's Motion to Dismiss [6] Hopkins' Petition [1] based on the statute of limitations set forth in 28 U.S.C. § 2244(d). After reviewing the findings in the Report and Recommendation [11], the record, relevant legal authority, and the positions advanced in the Motion to Dismiss [6], the Court concludes that Hopkins' Petition [1] was untimely filed. The Court finds that the Report and Recommendation [11] should be adopted in its entirety as the finding of the Court, that Petitioner's request for habeas relief pursuant to 28 U.S.C. § 2254 should be denied, and that the Petition [1] should be dismissed with prejudice.

To date, no objection to the Report and Recommendation [11] has been filed by Petitioner. Where no party has objected to a magistrate judge's proposed

findings of fact and recommendation, a court need only review the proposed findings of fact and recommendation and determine whether they are either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989); *see also* 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.”).

Based on the record before this Court, and having conducted the required review, the Court is of the opinion that the recommendation of the Magistrate Judge is neither clearly erroneous nor contrary to law. The Court finds that the Magistrate Judge properly recommended that Petitioner’s claims be dismissed. The Court further finds that the Report and Recommendation [11] of United States Magistrate Judge F. Keith Ball entered on May 18, 2017, should be adopted as the finding of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendations [11] of Magistrate Judge F. Keith Ball is **ADOPTED** in its entirety as the finding of the Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Motion to Dismiss [6] filed by Respondent Clifton Kaho is **GRANTED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that Petitioner Gregory Hopkins’ Petition [1] for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 is **DENIED**, and this action is **DISMISSED WITH PREJUDICE**. A separate

judgment will be entered in accordance with this Order as required by Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 12th day of June, 2017.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE