

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

CEDRIC CATCHINGS

PETITIONER

vs.

CIVIL ACTION NO. 4:13-CV-138 HTW-LRA

CHRISTOPHER EPPS

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes on pursuant to the Report and Recommendation of United States Magistrate Linda R. Anderson and the written objection to the proposed findings and recommendation.

Plaintiff Cedric Catchings objects to the Report and Recommendations on the grounds that his habeas corpus petition is not barred by the statute of limitations for being untimely filed. Catchings correctly asserts that the one year statute of limitations for filing a Title 28 U.S.C. § 2254 petition is tolled until the conviction becomes final.

Caspari v. Bohlen, 510 U.S. 383, 390, 114 S.Ct. 948, 127 L.Ed.2d 236 (1994).

Judgment becomes final 90 days after the highest state court has entered its decision or after the United States Supreme Court has denied a timely filed petition for certiorari.

Id. Catchings did file a motion for petition of certiorari with the United States Supreme Court, but this petition was untimely filed outside of the 90-day period for filing his appeal. Because Catchings did not file his appeal to the United States Supreme Court within the 90-day period, his conviction became final on or about October 20, 2010, and the period for filing a habeas corpus petition ended on or about October 20, 2011.

Catchings did not file this petition until March 8, 2013.

Based upon the evidence contained within the Report and Recommendation and the and the objection, this court finds the objections not well-taken. Therefore, the Report and Recommendation of the United States Magistrate Judge is hereby adopted as the order of this court and the court hereby dismisses plaintiff's claims against all defendants with prejudice for failure to state a claim under the defendants' grant of immunity.

SO ORDERED AND ADJUDGED, this the 1st day of November , 2013.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE