

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

JOHNNIE SWANS, # 108928

PETITIONER

VERSUS

CIVIL ACTION NO. 5:10-cv-7-DCB-MTP

DALE CASKEY

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation of July 2, 2010 [docket entry no. 14]. Therein, Judge Parker recommends that the *pro se* petition of Johnnie Swans for writ of habeas corpus under 28 U.S.C. § 2254 be denied and dismissed with prejudice. Having reviewed the Petitioner's Motion, the Report and Recommendation, the Petitioner's objection thereto, and applicable statutory and case law, this Court finds and orders as follows:

Judge Parker recommended that Petitioner's writ be dismissed as time-barred because it was filed well after the one-year statute of limitations provided for in the Antiterrorism and Effective Death Penalty Act and the circumstances here do not warrant equitable tolling of that limitations period. Swans objects generally to the Report and Recommendation but does not set forth any specific grounds for his objection. After a de novo review of the Magistrate Judge's Report and Recommendation and a review of the Petitioner's objection, the Court is unable

to find any error with the Magistrate Judge's findings. The Court is satisfied that the Magistrate Judge has undertaken an extensive examination of the issues in this case and has issued a thorough opinion.

Accordingly,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation [docket entry no. 14] is **ADOPTED**.

IT IS FURTHER ORDERED that the Petitioner's objections [docket entry no. 19] to the Magistrate Judge's Report and Recommendation are **OVERRULED**.

SO ORDERED, this the 9th day of February 2011.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE