

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EURON MATTHEWS,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:07CV1937 HEA
)	
AL LUEBBERS,)	
)	
Respondent,)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation, of Magistrate Judge Frederick R. Buckles that Petitioner’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, [Doc. No. 1], be dismissed. This Report and Recommendation was filed on December 30, 2010. Petitioner was given 14 days within which to file objections. On January 6, 2011, the copy of the Report and Recommendation which was mailed to Petitioner was returned to the Clerk of the Court as undeliverable. The Clerk of the Court resent the copy to the address Petitioner provided to the Court.¹ On February 22, 2011, Petitioner filed a

¹ It appears that Petitioner has been released from state custody, as his current address is not the address of a state penal institution. This factor is not, however, significant to Petitioner’s ability to maintain this action since Petitioner was in custody when the Petition was filed.

motion for extension of time to object to Judge Buckles' Report and Recommendation. This Court denied the request on February 24, 2011. Petitioner has filed nothing subsequent to this denial.

Judge Buckles' Report and Recommendation contains a very thorough analysis of the applicable 2254 time limits. Judge Buckles also carefully considers each significant date and gives Petitioner the benefit of any doubt as to the filing of pleadings in the state court and in this Court. The Court agrees with Judge Buckles that Petitioner's Petitioner is time barred and should therefore be dismissed. The Court therefore adopts Judge Buckles' Report and Recommendation in its entirety.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, [Doc. No. 1], is dismissed.

A separate Order of Dismissal is entered this same date.

Dated this 15th day of March, 2011.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE