

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SEELETTER DENISE)
LIVINGSTON,)
))
Petitioner,)
))
v.)
))
SCOTT FRAKES, Director of the)
Nebraska Department of Correctional)
Services,)
))
Respondent.)
_____)

8:17CV8

MEMORANDUM
AND ORDER

Petitioner has filed a motion for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. As shown by the uncontested motion for summary judgment and supporting materials (filing no. [10](#), filing no. [11](#), and filing no. [12](#)), the AEDPA statute of limitations has run and there is no basis for tolling the statute or excusing the tardy submission. Additionally, the claims have been procedurally defaulted. Still further, there is no basis for a certificate of appealability.

IT IS ORDERED that the motion for summary judgment (filing no. [10](#)) is granted, the petition (filing no. [1](#)) is dismissed with prejudice, no certificate of appealability has been or will be issued, and a separate judgment will be issued.

DATED this 9th day of May, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge