

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KEVIN WILLIAMS,

Petitioner,

v.

PATRICK NOGAN, et al.,

Respondents.

Civil Action No. 15-3159 (MAS)

MEMORANDUM AND ORDER


This matter comes before the Court on a Petition for Writ of Habeas Corpus filed by Petitioner Kevin Williams pursuant to 28 U.S.C. § 2254. Upon reviewing the Petition, the Court directed Respondents to file a limited answer regarding the timeliness of the Petition. (Order, Aug. 5, 2015, ECF No. 4.) In their Answer, Respondents argued that the Petition was untimely due to delays that occurred during Petitioner's direct appeal of his conviction, which the Court rejected as an invalid argument. (*See* Order 1-2, Dec. 8, 2016, ECF No. 21.) Instead, based upon the records submitted by Respondents, the Court *sua sponte* raised another timeliness defense, finding that Petitioner's delay in filing his appeal in the post-conviction relief proceeding rendered the Petition untimely. (*Id.* at 2.) Because the issue was raised *sua sponte*, the Court afforded Petitioner an opportunity to respond. (*Id.* at 2-3.) Thereafter, Petitioner sought an extension to respond, which the Court granted, giving Petitioner another 30 days to respond. (*See* Order, Jan. 17, 2017, ECF No. 23.) The Court cautioned him that failure to respond will result in the dismissal of the Petition as untimely. (*Id.* at 3.) To date, Petitioner has not responded.

IT IS therefore on this 26th day of June, 2017,

ORDERED that the Petition is hereby **DISMISSED** as untimely;

ORDERED that a certificate of appealability is hereby **DENIED**, because jurists of reason would not find it debatable that the dismissal of the Petition is correct, *see Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and it is further

ORDERED that the Clerk shall serve a copy of this Order upon Petitioner by regular mail, and shall **CLOSE** the file.



MICHAEL A. SHIPP
United States District Judge