

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KENNETH LEONARD DUNBAR,)	
)	
Petitioner,)	
)	
v.)	1:16-CV-518
)	
DENNIS DANIELS,)	
)	
Respondent.)	

ORDER

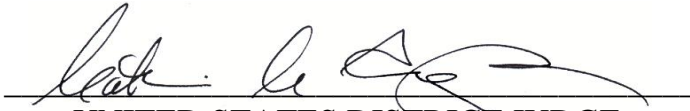
The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on January 27, 2017, was served on the parties in this action. The petitioner filed objections to the Recommendation. Doc. 49.

The Court has reviewed the objection and has made a de novo determination which is in accord with the Magistrate Judge’s report. Specifically, the petitioner contends that he has only limited access to legal material and that North Carolina Prisoners Legal Services has not assisted him. While there might be some cases where this kind of problem might result in a short period of equitable tolling, the petitioner’s general assertions do not excuse the multi-year delay here. The Court therefore adopts the Magistrate Judge’s recommendation in full.

IT IS THEREFORE ORDERED that the respondent’s Motion for Summary Judgment, Doc. 13, is **GRANTED**, that the petitioner’s Motion for Partial Summary Judgment, Doc. 32, is **DENIED**, and that the Petition, Doc. 1, is **DISMISSED** as untimely.

A Judgment dismissing this action without issuance of a certificate of appealability will be entered contemporaneously with this Order.

This the 2nd day of March, 2017.


UNITED STATES DISTRICT JUDGE