

Therefore, Magistrate Judge Baughman's Report and Recommendation is **ADOPTED**, Respondent's Motion to Dismiss as time-barred is granted, and Petitioner's Writ of Habeas Corpus (Dkt. # 1) is **DISMISSED**. Furthermore, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated:2/7/2012

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE