

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

GREGORY GIBSON,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-08-1082-M
	)	
DANNY HORTON, Warden,	)	
	)	
Respondent.	)	

**ORDER**

On July 31, 2009, United States Magistrate Judge Bana Roberts issued an Amended Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that the petition be dismissed for lack of jurisdiction. Petitioner was advised of his right to object to the Report and Recommendation by August 20, 2009. On August 20, 2009, petitioner filed his objection on the basis that the judgment from his 1988 conviction has not become final under the relevant statute.

Accordingly, upon de novo review, the Court:

- (1) OVERRULES Petitioner’s objections to the Report and Recommendation;
- (2) ADOPTS the Report and Recommendation issued by the Magistrate Judge on July 31, 2009; and
- (3) DISMISSES the petition for writ of habeas corpus.

**IT IS SO ORDERED this 26<sup>th</sup> day of August, 2009.**

  
 VICKI MILES-LAGRANGE  
 CHIEF UNITED STATES DISTRICT JUDGE