Polin v. Patton et al Doc. 12

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

MARTRELL DESHON POLIN,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-15-204-M
	)	
ROBERT C. PATTON, Director,	)	
	)	
Respondent.	)	

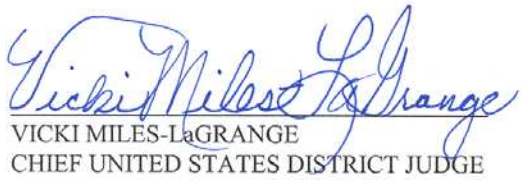
ORDER

On May 14, 2015, United States Magistrate Judge Suzanne Mitchell issued a 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 respondent's motion to dismiss be granted and petitioner's action be dismissed with prejudice as untimely. The parties were advised of their right to object to the Report and Recommendation by June 3, 2015. On June 1, 2015, petitioner filed his objection. In his objection, petitioner does not contend that his petition is timely but asks this Court to allow equitable tolling. Petitioner, however, has not set forth a sufficient basis to warrant equitable tolling.

Accordingly, upon de novo review, the Court:

(1) ADOPTS the Report and Recommendation [docket no. 10] issued by the Magistrate Judge on May 14, 2015;
(2) GRANTS respondent's motion to dismiss [docket no. 9]; and
(3) DISMISSES this action with prejudice as untimely.

IT IS SO ORDERED this 4th day of June, 2015.



VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE

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