

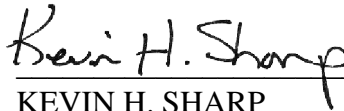
**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

CARLOS LEVY,)	
)	
Petitioner,)	
)	
v.)	No. 1:10-0005
)	Judge Sharp
DAVID OSBORNE, WARDEN,)	
)	
Respondent.)	

ORDER

For the reasons set forth in the accompanying Memorandum, the Report and Recommendation (Docket No. 53), which recommends that Petitioner’s Amended Petition for Habeas Corpus be denied on statute of limitations grounds, is hereby REJECTED. This case is RETURNED to the Magistrate Judge to receive evidence and/or hold an evidentiary hearing on the question of whether the statute of limitations should be equitably tolled.

It is SO ORDERED.



 KEVIN H. SHARP
 UNITED STATES DISTRICT JUDGE