

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

DAVID B. TODD, III	]	
Petitioner,	]	
	]	
v.	]	No. 3:12-0482
	]	Judge Trauger
STATE OF TENNESSEE	]	
Respondent.	]	

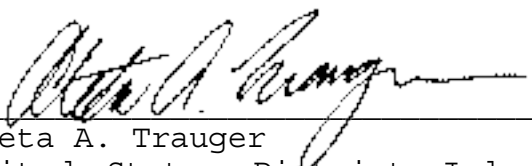
O R D E R

In accordance with the Memorandum contemporaneously entered, the Court finds merit in the respondent’s Motion to Dismiss (Docket Entry No.23). Therefore, said Motion is GRANTED and this action is hereby DISMISSED as untimely. Rule 8(a), Rules - - - § 2254 Cases.

The dismissal of this action has rendered MOOT the petitioner’s Motion for Leave to Amend (Docket Entry No.26). Accordingly, the Motion is DENIED for that reason.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner is unable to make a substantial showing of the denial of a constitutional right.

It is so ORDERED.

  
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Aleta A. Trauger  
United States District Judge