IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

OWEN JAMES YARBOROUGH,	§	
	§	
Applicant,	§	
	§	
VS.	§	NO. 4:08-CV-107-A
	§	
NATHANIEL QUARTERMAN, DIRECTOR,	§	
TEXAS DEPARTMENT OF CRIMINAL	§	
JUSTICE, CRIMINAL INSTITUTIONS	§	
DIVISION,	§	
	§	
Respondent.	§	

ORDER

On February 15, 2008, applicant, Owen James Yarborough, ("Yarborough") filed his application pursuant to 28 U.S.C. § 2254 by a person in state custody.[1] The application was accompanied by a memorandum of law. Respondent, Nathaniel Quarterman, Director, Texas Department of Criminal Justice, Correctional Institutions Division, filed its answer to the application on June 27, 2008. On July 24, 2008, Yarborough filed his response to respondent's answer. On October 2, 2008, Magistrate Judge Charles Bleil issued his proposed findings, conclusions, and

[1]The title of the document filed by Yarborough was "Petition for Writ of Habeas Corpus by a Person in State Custody," and he referred to himself as "petitioner" in the document. Consistent with the wording of 28 U.S.C. § 2254, the court is referring to the document filed February 15, 2008, as an "application" and is referring to Yarborough as "applicant."

recommendation, recommending that the petition be dismissed as time-barred. On October 16, 2008, Yarborough timely filed his objection by an instrument titled "Petitioner's Objection and Answer, and Motion to Alter or Amend Judgment to the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and Notice and Order." After having reviewed pertinent documentation, the court has concluded that the proposed findings, conclusions, and recommendation of the magistrate judge should be accepted, and that Yarborough's application should be dismissed as untimely. As reasoning, the court expressly adopts the text of the magistrate judge's proposed findings, conclusions, and recommendation. Therefore,

The court accepts the findings, conclusions, and recommendation of the magistrate judgment and hereby dismisses the application Yarborough filed February 15, 2008.

SIGNED October 28, 2008.

JOHN McBRYDE
United States District Judge