

United States District Court
Southern District of Texas

ENTERED

December 03, 2015

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ARMANDO PINA,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

§
§
§
§
§
§
§

CIVIL ACTION NO. 2:15-CV-00078

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

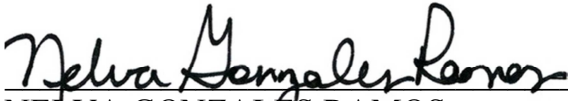
On October 26, 2015, United States Magistrate Judge B. Janice Ellington issued her “Memorandum and Recommendation” (D.E. 29), recommending that this action be dismissed as time-barred. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 29), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge with one correction on the top of page

5, which states that the deadline to file the federal petition was November 18, 2010. The actual deadline was November 18, 2009. The correction of this typographical error only strengthens the outcome of the limitations issue in which Petitioner's federal habeas corpus application is held to be time-barred. Accordingly, the Respondent's Motion to Dismiss (D.E. 15) is **GRANTED** and this action is **DISMISSED WITH PREJUDICE**. In the event that Petitioner requests a Certificate of Appealability, that request is **DENIED**.

ORDERED this 3rd day of December, 2015.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE