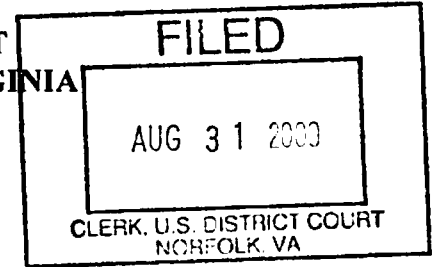


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



THOMAS STEVEN HARRISON, JR., #352171,

Petitioner,

v.

ACTION NO. 2:09cv18

GENE M. JOHNSON, Director of the
Virginia Department of Corrections,

Respondent.

FINAL ORDER

Petitioner, a Virginia inmate proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his November 14, 2005 convictions by the Circuit Court for the City of Virginia Beach for distribution of cocaine and distribution of cocaine on school property. Harrison was sentenced to nine years and three years respectively, and the sentences were to run concurrently.

The petition was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Magistrate Judge's Report and Recommendation filed August 5, 2009, recommends dismissal of the petition as barred by the statute of limitations. The Court has received no objections to the Report and Recommendation and the time for filing objections has expired.


The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation filed August 5, 2009, and it is therefore ORDERED that Respondent's Motion to

Dismiss be GRANTED, and that the petition be DENIED and DISMISSED. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.

/s/ 

Jerome B. Friedman
UNITED STATES DISTRICT JUDGE
United States District Judge

Norfolk, Virginia
August 31, 2009