

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 RICHARD BENNETT HART,

Petitioner,

Case No. C18-0591-RSL

v.

9
10
11 RON HAYNES,

ORDER DISMISSING FEDERAL
HABEAS ACTION

Respondent.

12
13

14 The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's
15 motion to dismiss the petition, the Report and Recommendation of Mary Alice Theiler, United
16 States Magistrate Judge, petitioner's objections thereto, and the remaining record, hereby finds
17 and ORDERS:

- 18 (1) In response to the Report and Recommendation, petitioner argues that the one-year
19 statute of limitations governing federal habeas petitions should be equitably tolled
20 in this case. Petitioner vaguely argues that the state courts erred in concluding that
21 his attempts to obtain post-conviction relief were time-barred. Dkt. 26 at 2. He has
22 not shown "that some extraordinary circumstance stood in his way" and prevented
23 him from timely filing this petition. Holland v. Fla., 560 U.S. 631, 649 (2010).

ORDER DISMISSING FEDERAL
HABEAS ACTION - 1

1 (2) The Report and Recommendation is approved and adopted;

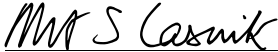
2 (2) Respondent's motion to dismiss petitioner's federal habeas petition under the
3 statute of limitations (Dkt. 21) is GRANTED;

4 (3) Petitioner's petition for writ of habeas corpus (Dkt. 7) and this action are
5 DISMISSED, with prejudice, as untimely under 28 U.S.C. § 2244(d);

6 (4) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the
7 United States District Courts, a certificate of appealability is DENIED; and

8 (5) The Clerk is directed to send copies of this Order to petitioner, to counsel for
9 respondent, and to the Honorable Mary Alice Theiler.

10
11 Dated this 5th day of March, 2019.

12 
13 ROBERT S. LASNIK
14 United States District Judge
15
16
17
18
19
20
21
22
23