

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

JOSEPH TIGER D. PRINCE, :
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 Plaintiff, :
 :
 v. : 1:05-CV-55 (WLS)
 :
 MICHELLE MARTIN, ET. AL., :
 :
 Defendants. :
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ORDER

Before the Court is the Report and Recommendation from United States Magistrate Richard L. Hodge (Docs. No. 50), filed November 20, 2006. It is recommended that Plaintiff's motions for summary judgment (Docs. No. 25, 29) be denied and that Plaintiff's motion for judgment on the pleadings (Doc. No. 37) be denied. Plaintiff has filed a timely written objection to the Report and Recommendation. (Doc. No. 52).

The objection is somewhat confusing. Petitioner seems to indicate that the Magistrate and this Court should apply rules that govern other civil proceedings, such as 42 U.S.C. § 1983, to this habeas proceeding. He also seems to indicate that he is somehow being subjected to either an unfair or different time period in which to file his objection to the Recommendation. Petitioner is directed to the appropriate federal rule for governing § 2254 petitions and rules governing matters before a Magistrate Judge to gain an understanding of the law. As such, the ten-day period for Petitioner to file his objection complies with the rules and said objection was timely filed. Even if the Court was erroneously applying the wrong rules, Petitioner does not explain how such an erroneous application would affect or change the ruling of the Magistrate Judge or this Court.

In addition, Petitioner objects to the previous rulings of this Court in adopting or denying the Recommendations of the Magistrate Judge. Again, Petitioner is directed to the Federal Rules for the proper method for objecting or taking issue with orders of the District

Court. Objections to rulings of this Court with respect to magistrate judge recommendations are not allowed, and as such, will not be recognized or addressed. Further, Petitioner again demands that the Court either outright grant or deny his petition for habeas relief. Petitioner should be reminded, this Court and the Magistrate Judge carefully considers all matters before it and complies with the governing procedural rules and substantive law. Second, much of the delay in reaching the merits of this case can be attributed to Plaintiff's piecemeal *de novo* attacks on each and every ruling of the Magistrate Judge, which in turn requires this Court to address each objection in a stand alone manner. Petitioner's objection is without merit and therefore should be overruled.

Upon full consideration of the record, the Court finds that said Recommendations should be and hereby are, **ACCEPTED, ADOPTED** and made the orders of this Court for reason of the findings made and reasons set out therein, and for the reasons and findings set out herein. Accordingly, Plaintiff's motions for summary judgment (Docs. No. 25, 29) are **DENIED** and Plaintiff's motion for judgment on the pleadings (Doc. No 37) is **DENIED**.

SO ORDERED, this 20th day of December, 2006.

/s/W. Louis Sands
W. Louis Sands, Judge
United States District Court