

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

ELGIN WAYNE LONG, §  
Petitioner, §  
VS. § CIVIL ACTION NO. 4:08-CV-331-Y  
§  
NATHANIEL QUARTERMAN, Director, §  
T.D.C.J., Correctional §  
Institutions Div., §  
Respondent. §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Elgin Wayne Long under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on September 26, 2008; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on October 20, 2008.

The Court, after **de novo** review, concludes that Petitioner's objections must be overruled, and that the petition for writ of habeas corpus should be dismissed with prejudice as time-barred under 28 U.S.C. § 2244, for the reasons stated in the magistrate judge's findings and conclusions.<sup>1</sup>

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Petitioner Elgin Wayne Long's petition for writ of habeas corpus is DISMISSED WITH PREJUDICE.

SIGNED October 23, 2008.

  
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TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>As noted in footnote 2 of the magistrate judge's report, even if it could be said that Long did not learn of the factual predicate for his claim--that the parole board wrongfully denied him for release to mandatory supervision because of a prior conviction for murder--until the later date of May 4, 2005 when he was not released, the petition under 28 U.S.C. § 2254 in this case is still filed beyond the applicable limitations period.