



Lingefelt v. James

2008 | Cited 0 times | W.D. Louisiana | August 28, 2008

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Pending before the Court are Magistrate Judge Karen L. Hayes' Report and Recommendation [Doc. No. 2], recommending that the petition for writ of habeas corpus [Doc. No. 1] be dismissed with prejudice as time-barred by the provisions of 28 U.S.C. § 2244(d), and Petitioner Tommy L. Lingefelt, Sr.'s objection [Doc. No. 3], in which he claims that he is entitled to equitable tolling of the statute of limitations because he was actively misled by his attorney as to when his petition was filed.

The Court finds that Petitioner's claim cannot be resolved on the written record alone. Accordingly,

IT IS HEREBY ORDERED that the above-captioned matter is referred to Magistrate Judge Hayes to conduct an evidentiary hearing and to prepare a supplemental report and recommendation on the issue of whether Petitioner is entitled to equitable tolling of the limitations period.

MONROE, LOUISIANA, this 28th day of August, 2008.

