

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JOHNNY LEE DUKE,

)

Petitioner,

)

)

v.

)

Case No. 5:22-cv-00956-AMM-NAD

)

WARDEN CRABTREE, et al.,

)

Respondents.

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)

MEMORANDUM OPINION

On June 12, 2023, the Magistrate Judge entered a report and recommendation, recommending that the court deny Johnny Lee Duke’s petition filed pursuant to 28 U.S.C. § 2254, as time barred. Doc. 12. Although the parties were advised of their rights to file objections within fourteen days, that time expired with no objections having been filed.

After *de novo* consideration of the record in this case, and the Magistrate Judge’s report and recommendation, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Accordingly, the court finds that Mr. Duke’s petition for writ of habeas corpus is due to be **DENIED** and his claims **DISMISSED WITH PREJUDICE**.

Further, because the petition does not present issues that are debatable among jurists of reason, a certificate of appealability is **DENIED**. *See* 28 U.S.C. § 2253(c);

Slack v. McDaniel, 529 U.S. 473, 484–85 (2000); Rule 11(a), Rules Governing §
2254 Proceedings.

The court will enter a separate final judgment.

DONE and **ORDERED** this 10th day of July, 2023.

A handwritten signature in black ink, appearing to read "A. Manasco", written over a horizontal line.

ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE