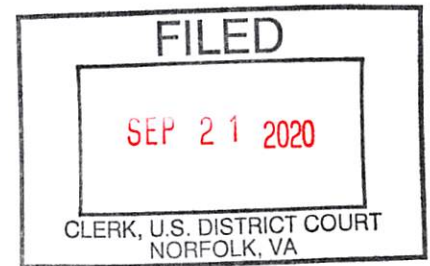


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



JERMAINE S. DOSS, #1009227,

Petitioner,

v.

CIVIL ACTION NO. 2:19cv347

HAROLD W. CLARKE, Director,
Virginia Department of Corrections,

Respondent.

FINAL ORDER

Before the Court is a Petition for a Writ of *Habeas Corpus* filed pursuant to 28 U.S.C. § 2254 and the Respondent's Motion to Dismiss the Petition. In his Petition, Petitioner, through counsel, alleges violations of his constitutional rights in relation to his conviction as an accessory before the fact to the first-degree murder of James Webb, statutory burglary, conspiracy, and two counts of use of a firearm in the commission of a felony. on May 9, 2000, in the Circuit Court for the City of Norfolk, which resulted in a sentence of life plus 38 years in prison in the Virginia state penitentiary.

The Petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation filed March 5, 2020, recommends dismissal of the Petition with prejudice. On March 19, 2020, Petitioner timely filed objections to the Report and Recommendation. ECF No. 12. On April 2, 2020, Respondent filed his response to Petitioner's objections to the Report and Recommendation. ECF No. 13.

The Court having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and reviewed the response to the objections filed by Respondent and having made *de novo* findings with respect to the portions objected to, does hereby **ADOPT** and **APPROVE** the findings and recommendations set forth in the Report and Recommendation filed March 5, 2020. It is, therefore, **ORDERED** that the Respondent's Motion to Dismiss, ECF No. 7, be **GRANTED**, and that the Petition, ECF No. 1, be **DENIED** and **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that judgment be entered in favor of the Respondent.

Finding that the procedural basis for dismissal of Petitioner's § 2254 petition is not debatable, and alternatively finding that Petitioner has not made a "substantial showing of the denial of a constitutional right," a certificate of appealability is **DENIED**. 28 U.S.C. § 2253(c); *see* Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a); *Miller-El v. Cockrell*, 537 U.S. 322, 335–38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483–85 (2000).

Petitioner is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. Rule App. Proc. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). If Petitioner intends to seek a certificate of appealability from the Fourth Circuit, he must do so **within thirty (30) days** from the date of this Order. Petitioner may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.

The Clerk shall forward a copy of this Final Order to all counsel of record.

It is so **ORDERED**.



Raymond A. Jackson
United States District Judge

RAYMOND A. JACKSON
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
September 2, 2020