

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMIE ALAN ABRAMS,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 1:14-CV-141-WKW
)	
CARTER F. DAVENPORT, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

On May 18, 2016, the Magistrate Judge filed a Recommendation in this case. (Doc. # 13.) Petitioner filed a document entitled “Motion to Stay Proceeding, Leave of Court to Assert Cross Claim by Amendment Due to Oversight, Inadvertence, in the Interest of Justice, or Alternative Extend Time of Filing Objection,” (Doc. # 14), which is construed as including an objection to the Magistrate Judge’s Recommendation.

In his motion, Petitioner seeks leave to file a crossclaim pursuant to Rule 13(e) of the Federal Rules of Civil Procedure. Notwithstanding the fact that Rule 13(e) pertains to counterclaims rather than crossclaims, Petitioner fails to identify any potentially viable claim he has against a co-party. He contends that he can show “cause and prejudice” on the part of his trial counsel, but his trial counsel is not a party to this action. Any claim he has regarding ineffective assistance of counsel

has already been addressed in the Magistrate Judge's Recommendation. To the extent Petitioner seeks leave to file a crossclaim or otherwise amend his pleading, his motion is due to be denied.

To the extent Plaintiff's filing can be construed as containing objections to the Recommendation, those objections will be overruled. Petitioner has not identified any factual or legal basis for his objection to the Magistrate Judge's findings. He merely reiterates the claims raised in his petition. After a *de novo* determination of those portions of the Recommendation to which Petitioner objects and upon an independent review of the file, Petitioner's objections are due to be overruled. Accordingly, it is ORDERED as follows:

1. Petitioner's Objections (Doc. # 14) are OVERRULED;
2. The Recommendation (Doc. # 13) is ADOPTED;
3. Petitioner's motion (Doc. # 14) is DENIED; and
3. The petition for writ of habeas corpus under 28 U.S.C. § 2254 (Doc. # 1) is DENIED; and
4. This case is DISMISSED with prejudice.

A separate final judgment will be entered.

DONE this 13th day of June, 2016.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE