

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

MARK CEDRIC BASS, #279 120,	)	
	)	
Petitioner,	)	
	)	
vs.	)	CASE NO. 3:12-cv-979-WHA
	)	
GARY HETZEL, WARDEN, et al.,	)	(WO)
	)	
Respondents.	)	

**ORDER**

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #12), entered on October 22, 2015, and the Petitioner's Objection (Doc. #13), filed on November 9, 2015.

The court has conducted an independent evaluation and *de novo* review of the file in this case and, having done so, finds the objection to be without merit.

Petitioner has filed an objection to the Recommendation wherein the Magistrate Judge recommends that Petitioner's application for habeas relief be denied and dismissed. Petitioner presented one issue in his petition: he alleged that his trial counsel was ineffective for failing to challenge whether the State's DNA expert was properly qualified to testify as an expert witness. The Magistrate Judge concluded that Petitioner defaulted his claim for relief. The court agrees.

Petitioner, in his objection, essentially re-argues the merits of his ineffectiveness claim. To the extent he asserts additional claims for relief, *i.e.*, ineffective assistance of appellate counsel, a *Brady* violation, and actual innocence, he may not amend his petition by presenting

new claims in his objection. *See e.g., Gilmour v. Gates, McDonald & Co.*, 382, F.3d 1312, 1315 (11<sup>th</sup> Cir. 2004).

For these reasons, the objection is OVERRULED, the court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby

ORDERED that this petition for habeas corpus relief is DENIED, and this case is DISMISSED with prejudice.

DONE this 30th day of November, 2015.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE