

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

RICHARD L. PINCHKEY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case Number: 1:12-cv-04086-SLB-JHE
	)	
WARDEN JOHN T. RATHMAN,	)	
	)	
Respondent.	)	
	)	

**MEMORANDUM OPINION**

On June 30, 2015, the magistrate judge entered a Report and Recommendation, (doc. 22), recommending that this petition for writ of habeas corpus be denied, and the action be dismissed with prejudice. The petitioner has submitted objections. (Doc. 25).

The court has considered the entire file in this action, together with the report and recommendation and objections thereto, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved. Petitioner’s objections do not rebut the conclusions that he has no constitutionally protectable interest in a particular BOP classification and that he was given a security designation in accordance with regulations.

Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of this court. The petition for writ of habeas corpus is due to be **DISMISSED**. A separate Order will be entered.

This Court may issue a certificate of appealability “only if the applicant has a made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To make such a showing, a “petitioner must demonstrate that reasonable jurists would find the district court’s

assessment of the constitutional claims debatable or wrong,” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further,” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). This Court finds Petitioner’s claims do not satisfy either standard.

**DONE** this 10th day of August, 2015.



---

SHARON LOVELACE BLACKBURN  
SENIOR UNITED STATES DISTRICT JUDGE