

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

THOMAS GADDIS,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:21-cv-00588-AKK-SGC
)	
KAY IVY, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM OPINION

The magistrate judge entered a report on May 5, 2021, recommending this federal habeas petition filed by Thomas Gaddis be dismissed for failing to assert any claims cognizable, or seek any relief available, in a federal habeas corpus action and/or for failing to exhaust state court remedies. Doc. 2 at 7.¹ Additionally, the magistrate judge recommended a certificate of appealability be denied. *Id.* at 7-8. While advised of his right to file specific written objections to the report and recommendation within fourteen (14) calendar days, *id.* at 8, Gaddis has not submitted objections, or any other response, within the prescribed time.

After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** her recommendations. In

¹ While docketed as arising under § 28 U.S.C. 2254, the petition does not specify whether it is brought pursuant to § 2254 or 28 U.S.C. § 2241. The report and recommendation explains why Gaddis is not entitled to relief under either statute.

accordance with the recommendations, the court finds Gaddis's federal habeas petition is due to be **DISMISSED**. Furthermore, because the petition does not present issues that are debatable among jurists of reason, a certificate of appealability is due to be **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.

A separate order will be entered.

DONE the 4th day of June, 2021.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE