

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

RAKIM D. LUBIN,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:21-cv-00799-MHH-NAD
)	
GEORGE EDWARDS, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

Petitioner Rakim D. Lubin filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1). On February 1, 2022, the Magistrate Judge entered a report in which he recommended that the Court dismiss Mr. Lubin’s petition without prejudice for failure to exhaust state remedies. (Doc. 13). The Clerk of Court mailed a copy of the report to Mr. Lubin on February 1, 2022. (Feb. 1, 2022 Staff Note). The Magistrate Judge advised Mr. Lubin of his right to file objections to the report and recommendation within 14 days. (Doc. 13). To date, the Court has not received objections.

Having reviewed the materials in the Court’s electronic record in this case, including the report and recommendation, the Court adopts the Magistrate Judge’s report and accepts his recommendation. By separate order, the Court will dismiss Mr. Lubin’s petition for a writ of habeas corpus without prejudice for failure to exhaust state remedies.

A district court may issue a certificate of appealability to pave the way for an appeal to the United States Circuit Court of Appeals for the Eleventh Circuit “only if the applicant has 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). Mr. Lubin’s petition does not satisfy either standard. Therefore, the Court will not issue a certificate of appealability.

DONE and **ORDERED** this February 24, 2022.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE