

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

DESMOND WINCHELL JACKSON, )

Petitioner, )

v. )

Case Number: 2:11-cv-00574-MHH

WARDEN GARY HETZELL and THE )

ATTORNEY GENERAL FOR THE )

STATE OF ALABAMA, )

Respondents. )

**MEMORANDUM OPINION**

On January 16, 2014, the magistrate judge entered a Report and Recommendation, (doc. 18), recommending the petition for a writ of habeas corpus be dismissed with prejudice. Petitioner filed written objections to the report and recommendation. (Doc. 21). Thereafter, the magistrate judge entered an amendment to the report and recommendation clarifying his analysis and recommending the petition for a writ of habeas corpus be dismissed with prejudice. (Doc. 23). No further objections have been filed. 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.

Additionally, pursuant to Rule 11(a), *Rules Governing Section 2254 Cases*, the district court must issue or deny a certificate of appealability when it enters a final order adverse to the petitioner. 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 jurist would find the district court’s assessment of the constitutional claims debatable and 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.

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.

DONE this 2nd day of June, 2014.

A handwritten signature in black ink, reading "Madeline H. Haikala". The signature is written in a cursive, flowing style.

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MADELINE HUGHES HAIKALA

U.S. DISTRICT JUDGE