

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

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|-------------------------------|---|-----------------------------|
| STETORY CALHOUN, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. 2:12-cv-24-KOB-TMP |
| |) | |
| SHARON PRICE, Warden, and the |) | |
| ATTORNEY GENERAL OF THE STATE |) | |
| OF ALABAMA, |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM OPINION

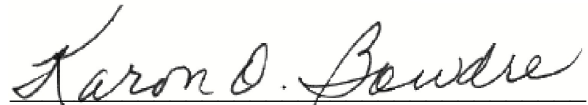
On November 22, 2013, the magistrate judge filed his report and recommendation in this case, recommending that the court deny this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2254 and dismiss this action with prejudice. (Doc. 12). To date, no party has filed any objections.

The court has carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation. The court ADOPTS the magistrate judge’s report and ACCEPTS his recommendation that the court deny this petition because the petitioner has failed to establish that the Alabama Court of Criminal Appeals’s adjudication of his claim involved the application of any Supreme Court law or that its decision was an unreasonable determination of the facts. Further, the court finds that the petitioner is entitled to no relief in this action because he failed to demonstrate that the “evidence” made the basis of the motion for new trial was “newly discovered.”

Consequently, the court finds that the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254 in the above-styled cause is due to be DENIED and that this action is due to be DISMISSED WITH PREJUDICE.

The court will enter a separate, final Order.

DONE and ORDERED this 19th day of December, 2013.

Handwritten signature of Karon O. Bowdre in cursive script.

KARON OWEN BOWDRE

CHIEF UNITED STATES DISTRICT JUDGE