

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

CURTIS FIELDS,)
)
Petitioner,)
)
v.)
)
GARY HETZEL, Warden III and)
HONORABLE LUTHER STRANGE,)
Attorney General of the State of)
Alabama,)
)
Respondents.)

Case No.: 2:12-cv-02912-WMA-SGC

MEMORANDUM OPINION

On September 1, 2015, the magistrate judge entered a report recommending Curtis Fields’s motion to amend his petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 be granted as to the first two additional allegations and denied as to the third additional allegation. (Doc. 14). The magistrate judge further recommended the first and third claims raised in Fields’s § 2254 petition be denied and the second be dismissed. (*Id.*). Finally, in accordance with Rule 11 of the *Rules Governing Section 2254 Cases*, the magistrate judge recommended a certificate of appealability be denied. (*Id.*).

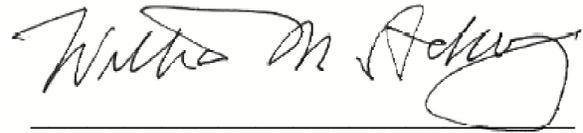
On September 14, 2015, Fields submitted a letter stating the trial court judge or his attorney “didn’t follow through about talking or seeing someone at Pardon and

Paroles before [he] was sentenced and sent to prison.” (Doc. 15). Fields further states he has been calling and writing his attorney, who continues to tell him he has not yet done enough time. (*Id.*). Finally, Fields states he decided not to contact his attorney any more because his attorney and the court have abandoned him. (*Id.*). The court construes Fields’s letter and its contents as objections to the report and recommendation. These objections are restatements of claims Fields has already presented. The magistrate judge considered and rejected those claims, and Fields’s restatement of them does not alter the recommendation made by the magistrate judge. Accordingly, Fields’s objections are **OVERRULED**.

After careful consideration of the record in this case and the magistrate judge’s report, the court **ADOPTS** that report and **ACCEPTS** the magistrate judge’s recommendations. Accordingly, Fields’s motion to amend his § 2254 petition is **GRANTED** as to the first two additional allegations and **DENIED** as to the third additional allegation. Furthermore, the first and third claims raised in Fields’s § 2254 petition are **DENIED**, and the second is **DISMISSED**. Finally, for the reasons set forth in the report and recommendation and pursuant to Rule 11 of the *Rules Governing Section 2254 Proceedings*, a certificate of appealability is **DENIED**.

A final judgment will be entered.

DONE this 23rd day of September, 2015.

A handwritten signature in black ink, appearing to read "William M. Ackers, Jr.", written in a cursive style. The signature is positioned above a horizontal line.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE