

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

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| DEOZ THOMAS, |) | |
| |) | |
| Petitioner |) | |
| |) | |
| vs. |) | Case No. 2:13-cv-01427-KOB-HGD |
| |) | |
| KENNETH SCONYERS, Warden, and THE ATTORNEY GENERAL OF THE STATE OF ALABAMA, |) | |
| |) | |
| Respondents |) | |

MEMORANDUM OPINION

The magistrate judge entered his report and recommendation on March 12, 2015, recommending that the court deny the petitioner's habeas petition because the issues raised in it are procedurally barred, or in the alternative, without merit. Although the petitioner received an extension of time, to May 1, 2015, in which to file any objections, no party has filed any objections.

After careful de novo review of the entire record in this case, including the magistrate judge's report and recommendation, the court hereby ADOPTS the report of the magistrate judge and ACCEPTS his recommendation that the court deny the petition for writ of habeas corpus as procedurally defaulted, or in the alternative, without merit.

Pursuant to Rule 11 of the *Rules Governing § 2254 Cases*, the court has evaluated the claims within the petition for suitability for the issuance of a certificate of appealability (COA). *See* 28 U.S.C. § 2253.

Rule 22(b) of the Federal Rules of Appellate Procedure provides that when a petitioner appeals, the district judge who rendered the judgment “shall” either issue a COA or state the reasons why such a certificate should not issue. Pursuant to 28 U.S.C. § 2253(c)(2), a COA may issue only when the petitioner “has made a substantial showing of the denial of a constitutional right.” The petitioner can establish this showing by demonstrating that “reasonable jurists could debate whether (or for that matter, agree that) the petition should have been resolved in a different manner” or that the issues were “adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). For procedural rulings, a COA will issue only if reasonable jurists could debate whether the petition states a valid claim of the denial of a constitutional right and whether the court’s procedural ruling was correct. *Id.*

The court finds that reasonable jurists could not debate its resolution of the claims presented in this habeas corpus petition. For the reasons stated in the magistrate judge’s report and recommendation, the court **DECLINES** to issue a COA with respect to any claims.

The court will enter a separate Order in conformity with this Memorandum Opinion.

DONE and ORDERED this 20th day of May, 2015.

A handwritten signature in black ink that reads "Karon O. Bowdre". The signature is written in a cursive style with a large initial 'K' and a distinct 'O'.

KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE