

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

<b>XAVIER JETT,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No: 2:14-cv-01870-VEH-JHE</b>
	)	
<b>WARDEN LEON FORNISS and</b>	)	
<b>THE ATTORNEY GENERAL OF</b>	)	
<b>THE STATE OF ALABAMA,</b>	)	
	)	
<b>Respondents.</b>	)	

**MEMORANDUM OPINION**

On December 1, 2014, the magistrate judge entered a Report and Recommendation, (doc. 6), recommending that this petition for writ of habeas corpus be dismissed without prejudice. The magistrate judge further recommended Petitioner’s motion to hold in abeyance, (doc. 5), be denied. (Doc. 6). No objections have been filed. The court has considered the entire file in this action, together with the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

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.

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 a 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.

**DONE** this the 5th day of January, 2015.



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**VIRGINIA EMERSON HOPKINS**  
**United States District Judge**