

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

LARRY JOHN JOHNSON,)
)
 Petitioner,)
)
 v.)
)
 WARDEN KARLA JONES and THE)
 ATTORNEY GENERAL FOR THE)
 STATE OF ALABAMA,)
)
 Respondents.)

Case Number: 2:14-cv-02190-KOB-JHE

MEMORANDUM OPINION

On May 4, 2015, the magistrate judge entered a Report and Recommendation, (doc. 7), recommending that this petition for writ of habeas corpus be dismissed with prejudice, and the petitioner filed his objections on May 11, 2015.¹ (Doc. 8).

In his objections, the petitioner reiterates that the court should reconsider his sentence of life imprisonment under Ala. Code § 13A-5-9.1 and contends that the state’s failure to do so violates the Equal Protection clause. However, he provides no additional support and fails to explain how the magistrate judge’s conclusion was in error. As the magistrate judge explained, the petitioner fails to support his equal protection claim or even allege he was treated differently than others based on race, religion, or national origin. As such, the court **OVERRULES** the petitioner’s objections.

Having considered the entire file in this action de novo, including the report and recommendation and the petitioner’s objections, the court **ADOPTS** the magistrate judge’s report

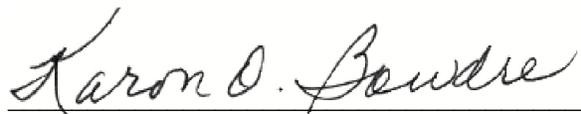
¹ Although the docket sheet indicates that the court received the petitioner’s objections on May 18, 2015, the court deems the document filed on May 11, 2015, the date he signed the objections per the prisoner mailbox rule.

and ACCEPTS his recommendation to dismiss the habeas petition with prejudice. The court will enter a separate Order in conformity with this Memorandum Opinion.

The 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 jurists would find the district court’s assessment of the constitutional claims debatable or 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).

The court finds that the petitioner’s claims do not satisfy either standard and DECLINES to issue a certificate of appealability in this case.

DONE and ORDERED this 25th day of June, 2015.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE