

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

JAMES EDWARD DEAN,)	
)	
Petitioner,)	
)	
v.)	Case No. 2:19-cv-01567-MHH-SGC
)	
CAPTAIN RUSSELL BEDSOLE, et)	
al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

On August 24, 2020, the magistrate judge entered a report in which she recommended that the Court deny petitioner James Edward Dean’s request for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 8). The magistrate judge notified the parties of their right to file objections within 14 days, (Doc. 8); no objections appear in the record.

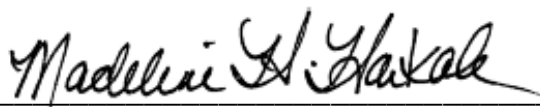
A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district judge must “make a *de novo* determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* FED. R. CRIM. P. 59(b)(3) (“The district judge must consider *de novo* any objection to the magistrate judge’s recommendation.”). Although § 636(b)(1) “does not require the [district] judge to

review an issue *de novo* if no objections are filed, it does not preclude further review by the district judge, *sua sponte* or at the request of a party, under a *de novo* or any other standard.” *Thomas v. Arn*, 474 U.S. 140, 154 (1985).

The Court has reviewed the record and agrees that the Court should deny Mr. Dean’s habeas petition. The Court notes that Mr. Dean’s federal due process arguments seem to extend not only to the original sentence that Judge Simpson imposed but also to Judge Simpson’s authority to hear his case. (Doc. 1, pp. 7-9, ¶¶ 5, 19). Because Mr. Dean did not raise a federal due process challenge to Judge Simpson’s authority in his state court proceedings (Docs. 1-4, 1-6), he may not present the challenge now in this federal habeas proceeding. (Doc. 8).

After consideration of the record in this case, the Court adopts the magistrate judge’s report and accepts her recommendations. By separate order, the Court will deny Mr. Dean’s petition for habeas relief and dismiss his petition with prejudice. The Court will not issue a certificate of appealability.

DONE and **ORDERED** this October 13, 2020.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE