

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

TIMOTHY McCULLOCH,)	
)	
Petitioner,)	
)	
v.)	Case No. 2:19-cv-01603-LSC-SGC
)	
JIMMY THOMAS, et al., ¹)	
)	
Respondents.)	

MEMORANDUM OPINION

On September 4, 2020, the magistrate judge entered a report recommending this petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, be denied and dismissed with prejudice. (Doc. 9). The report advised the parties of their rights to file specific written objections within fourteen (14) calendar days. (*Id.* at 33-34). Neither party has filed objections.

After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. In accordance with the recommendation, the court finds the petitioner's claims are due

¹ McCulloch initially named as a respondent Mary Cooks in her capacity as Warden of Fountain Correctional Facility, where McCulloch was imprisoned when he filed the petition. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004); Rule 2(a), *Rules Governing Section 2254 Cases*. McCulloch has since been transferred to Bibb Correctional Facility, where Jimmy Thomas is the warden. Accordingly, Thomas is **SUBSTITUTED** for Cooks as a respondent, and the Clerk of Court is **DIRECTED** to amend the docket sheet accordingly.

to be denied and dismissed with prejudice. Additionally, pursuant Rule 11 of the *Rules Governing 2254 Proceedings*, a certificate of appealability will be denied.

A separate order will be entered.

DONE and **ORDERED** on September 30, 2020.

A handwritten signature in black ink, appearing to read 'L. Scott Coddler', is written above a horizontal line.

L. Scott Coddler
United States District Judge

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