

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

|                                 |   |  |
|---------------------------------|---|--|
| <b>SUMNAR ROBERT BREWSTER,</b>  | ) |  |
|                                 | ) |  |
| <b>Petitioner,</b>              | ) |  |
|                                 | ) |  |
| <b>v.</b>                       | ) | <b>Civil Action No.: 4:13-cv-01279-RDP-JEO</b> |
|                                 | ) |  |
| <b>GARY HETZEL</b>              | ) |  |
| <b>and THE ATTORNEY GENERAL</b> | ) |  |
| <b>OF THE STATE OF ALABAMA,</b> | ) |  |
|                                 | ) |  |
| <b>Respondents.</b>             | ) |  |

**MEMORANDUM OPINION**


On October 15, 2015, the Magistrate Judge entered a Report and Recommendation, recommending that the petition for writ of habeas corpus be dismissed with prejudice. (Doc. 13). Petitioner Sumnar Robert Brewster filed objections on November 12, 2015. (Doc. 16). The court has considered the entire file in this action, together with the Report and Recommendation and Petitioner’s objections, 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 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). This court finds Petitioner’s claims do not satisfy either standard.

**DONE** and **ORDERED** this August 29, 2016.

  
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**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE