Reeves v. State of Alabama et al

Doc. 11

FILED
2014 Jun-09 AM 10:42
U.S. DISTRICT COURT
N.D. OF ALABAMA

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

RICHARD KYLE REEVES,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case Number: 4:13-cv–01360-JHH-JHE
	)	
STATE OF ALABAMA and THE ATTORNEY GENERAL FOR THE STATE OF ALABAMA,	)	
	)	
Respondents.		

MEMORANDUM OPINION

On May 15, 2014, the magistrate judge entered a Report and Recommendation, (doc. 10), recommending that the petition for writ of habeas corpus be dismissed with prejudice. The time to object to the Report and Recommendation has passed, and 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.

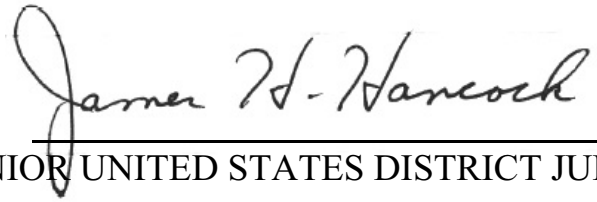
Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of this court. The petition for writ of habeas corpus is due to be DISMISSED. A separate Order will be entered.

This Court may issue a certificate of appealability "only if the applicant has a made a substnaital showing of the dentail of a constitutional right." 28 U.S.C. 2253(c)(2). To make such a showing, a "petitioner must demonstrate that 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 encouragerment to proceed further."

Dockets.Justia.com

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 9th day of June, 2014.



SENIOR UNITED STATES DISTRICT JUDGE