

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

MARK UPTON,)
)
 Petitioner,)
)
 v.)
)
 WARDEN DEWAYNE ESTES and THE)
 ATTORNEY GENERAL FOR THE)
 STATE OF ALABAMA,)
)
 Respondents.)

Case Number: 4:14-cv-02231-WMA-JHE

MEMORANDUM OPINION

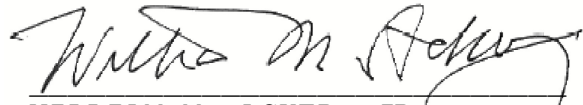
On February 27, 2015, the magistrate judge entered a Report and Recommendation, (doc. 7), recommending that this petition for writ of habeas corpus be dismissed for failure to state a claim for habeas relief. No objections have been filed. The court has considered the entire file in this action, together 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 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 this 24th day of March, 2015.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE