

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

ROBERT BAISE JR.,)	
)	
Petitioner,)	
)	
v.)	Case No.: 4:17-cv-01416-KOB-JHE
)	
TODD ENTREKIN and THE STATE OF)	
ALABAMA,)	
)	
Respondents.)	

MEMORANDUM OPINION

On November 13, 2017, the magistrate judge entered a Report and Recommendation, (doc. 34), recommending that the petition for writ of habeas corpus be dismissed without prejudice for failure to exhaust.¹ No party has filed any objections.²

After carefully considering the entire file in this action, together with the report and recommendation, the court **ADOPTS** the magistrate judge’s report and **ADOPTS** his recommendation. Accordingly, the court finds that the petition for writ of habeas corpus is due to be **DISMISSED**.

The court will enter a separate Final Order.


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

¹ The Clerk resent the report and recommendation to Baise’s updated address on November 22, 2017, after return of the previously-sent report and recommendation.

² Instead, Petitioner Baise filed a “Motion for Assistance,” wherein he inquired as to how to obtain the forms needed to exhaust his claim(s). (Doc. 38). The magistrate judge entered an order advising Petitioner Baise to contact the state court. (Doc. 39).

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 4th day of January, 2018.

A handwritten signature in cursive script that reads "Karon O. Bowdre". The signature is written in black ink and is positioned above a horizontal line.

KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE