

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

ROBERT BAISE, JR.,)	
)	
Petitioner,)	
)	
v.)	Case No.: 4:19-cv-00855-KOB-JHE
)	
JOHNATHON HORTON, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

On January 29, 2020, the magistrate judge entered a report recommending the court grant Respondents' motion for summary dismissal and dismiss Petitioner Baise's petition for a writ of habeas corpus with prejudice as untimely. (Doc. 20). The magistrate judge further recommended the court deny Petitioner Baise's motion for summary judgment. (*Id.*). Although the magistrate judge advised the parties of their right to file specific written objections within fourteen days, the court has received no objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the magistrate judge's findings and **ACCEPTS** his recommendation. Respondents' motion for summary dismissal is due to be granted and Petitioner Baise's petition for a writ of habeas corpus is due to be dismissed with prejudice as untimely. In addition, Petitioner Baise's motion for summary judgment is due to be denied.

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). The Court finds Petitioner’s claims do not satisfy either standard.

The court will enter a separate Final Order.

DONE and ORDERED this 17th day of March, 2020.



KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE