

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JARVIS WERNER HINES,)	
)	
Petitioner,)	
)	
vs.)	Case No.: 5:11-cv-3507-WMA-SGC
)	
BILLY MITHCEM, Warden, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

The magistrate judge filed a report and recommendation on July 31, 2014 (Doc. 13), recommending this petition for writ of habeas corpus be denied. On August 12, 2014, petitioner, Jarvis Werner Hines ("Petitioner") filed a pleading styled as "Motion to Rebuttal Report" (Doc. 14). The court will treat Petitioner's filing as objections to the report and recommendation or, in the alternative, as a motion.

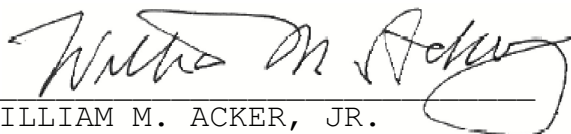
Construed liberally, Petitioner's most recent filing reasserts arguments presented to and addressed by the magistrate judge, including: (1) that Petitioner was a minor at the time of the murder; and (2) that Petitioner is actually innocent of murder. (See generally Doc. 14). These arguments were addressed in the report and recommendation and Petitioner presents nothing warranting rejection of the magistrate judge's conclusions. (See Doc. 13 at 11; *id.* at n.6).

Having carefully reviewed and considered *de novo* all the materials in the court file, the court is of the opinion that the

magistrate judge's findings are due to be and are hereby **ADOPTED** and her recommendation is **ACCEPTED**. To the extent the petitioner's filing of August 12, 2014, (Doc. 14), is construed as interposing objections to the report and recommendation, such objections are due to be and hereby are **OVERRULED**. To the extent the petitioner's filing (Doc. 14) is construed as a motion, it is due to be and hereby is **DENIED**. Accordingly, the petition for writ of habeas corpus is due to be **DENIED** and **DISMISSED WITH PREJUDICE**. Pursuant to Rule 11 of the *Rules Governing 2254 Proceedings*, and consistent with the magistrate judge's recommendation (Doc. 13 at 12), a certificate of appealability is hereby **DENIED**.

A Final Judgment will be entered.

DONE this 14th day of August, 2014.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE