

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

ANTHONY SMITH,)
)
 Petitioner,)
)
 v.)
)
 KENNETH JONES and THE)
 ATTORNEY GENERAL FOR THE)
 STATE OF ALABAMA,)
)
 Respondents.)

Case Number: 5:12-cv-02180-SLB-JHE

MEMORANDUM OPINION

On May 5, 2015, the magistrate judge entered a Report and Recommendation, (doc. 10), recommending that this petition for writ of habeas corpus be dismissed with prejudice. Having been mailed to the petitioner at the address he provided, the report and recommendation was returned as undeliverable, marked “no longer here.” (Doc. 11). The petitioner provided no other address and cannot be located through the Alabama Department of Corrections website’s inmate search tool. *See* <http://doc.state.al.us/InmateSearch.aspx>. For this reason, 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 8th day of September, 2015.


SHARON LOVELACE BLACKBURN
SENIOR UNITED STATES DISTRICT JUDGE