

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

CALVIN TURNEY,)
)
)
 Petitioner,)
)
 v.)
)
)
 WARDEN C. PRICE and THE)
 ATTORNEY GENERAL FOR THE)
 STATE OF ALABAMA,)
)
 Respondents.)

Case Number: 5:13-cv 01100-LSC-JHE

MEMORANDUM OPINION

On February 26, 2016, the magistrate judge entered a Report and Recommendation, (doc. 8), recommending that the petition for writ of habeas corpus be dismissed without prejudice. On March 7, 2013, the U.S. Mail returned the report and recommendation, with an indication that the petitioner’s “EOS” (or end of sentence) date was “08/21/2015” and that he was no longer there. (Doc. 9). A search on the Alabama Department of Corrections’ website using the “inmate search” function for Calvin Turner renders no records, confirming the petitioner’s release. And, Petitioner has not provided the court with an updated address. Therefore, 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 AND ORDERED ON APRIL 6, 2016.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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