

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

MICHAEL ANTHONY BUNCH,)
)
Petitioner,)
)
v.) Case No.: 5:14-cv-01834-MHH-JHE
)
WARDEN BILLUPS, et al.,)
)
Respondents.)

MEMORANDUM OPINION

On July 14, 2017, the magistrate judge entered a report in which he recommended that the Court dismiss with prejudice petitioner Michael Anthony Bunch's petition for writ of habeas corpus. (Doc. 15, p. 20). The magistrate judge advised the parties of their right to file specific written objections to the report and recommendation within 14 days. (Doc. 15, pp. 20-21). To date, no party has filed objections to the report and recommendation.

A district court "may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report de novo and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d

776, 779 n.9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).¹

Having reviewed the habeas petition (Doc. 1), the amended petition (Doc. 6), and the magistrate judge’s report and recommendation (Doc. 15), the Court finds no misstatements of law in the report and no plain error in the magistrate judge’s description of the relevant state court proceedings. Therefore, the Court adopts the magistrate judge’s report and accepts his recommendation that the Court dismiss Mr. Bunch’s habeas petition.

The Court has reviewed Mr. Bunch’s petition to determine whether the Court should issue a certificate of appealability. The Court may issue a certificate of appealability “only if the applicant has 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

¹ When a party objects to a report in which a magistrate judge recommends dismissal of the action, a district court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. §§ 636(b)(1)(B)-(C).

(2003) (internal quotations omitted). This Court finds that Mr. Bunch's claims do not satisfy either standard.

The Court will enter a separate final order consistent with this memorandum opinion.

DONE and **ORDERED** this September 12, 2017.


Madeline Hughes Haikala
MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE