

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

JOSE Q. MARTINEZ,)
)
 Petitioner,)
)
 v.)
)
 WARDEN CHRISTOPHER GORDY)
 and THE ATTORNEY GENERAL FOR)
 THE STATE OF ALABAMA,)
)
 Respondents.)

Case Number: 5:15-cv-01763-LSC-JHE

MEMORANDUM OPINION

On July 7, 2016, the magistrate judge entered a Report and Recommendation, recommending that this petition for writ of habeas corpus be dismissed as time-barred. (Doc. 3). 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.

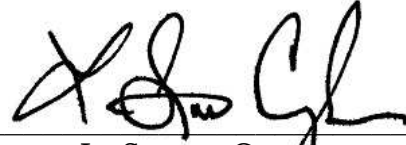
Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of this court. The petition for writ of habeas corpus is due to be **DISMISSED**. A separate Order will be entered.

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 SEPTEMBER 12, 2016.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

160704