

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
JASPER DIVISION**

**TROY H. SMITH,**

**Petitioner,**

**vs.**

**WARDEN PHYLLIS BILLUPS  
and THE ATTORNEY GENERAL  
FOR THE STATE OF ALABAMA,**

**Respondents.**

**Case No: 6:14-cv-1907-CLS-JHE**

**MEMORANDUM OPINION**

On February 2, 2015, the magistrate judge entered a Report and Recommendation, recommending that the petition for writ of *habeas corpus* be dismissed with prejudice.<sup>1</sup> On February 13, 2015, Petitioner Troy H. Smith filed objections.<sup>2</sup>

The court has considered the entire file in this action, together with the report and recommendation and petitioner's objections thereto, 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

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<sup>1</sup> Doc. no. 9.

<sup>2</sup> Doc. no. 10.

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 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 marks omitted). This court finds petitioner’s claims do not satisfy either standard.

DONE this 14th day of August, 2015.

  
United States District Judge