

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

MICHAEL ROWSER,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 6:19-cv-02128-LSC-SGC
	)	
WALKER COUNTY JAIL, et al.,	)	
	)	
Respondents.	)	

**MEMORANDUM OPINION**

The magistrate judge entered a report on December 30, 2020, recommending the court dismiss Michael Rowser’s habeas petition without prejudice as premature for failure to exhaust state court remedies. (Doc. 13). Although the magistrate judge advised the parties of their right to file specific written objections within fourteen days, no objections have been received by the court.

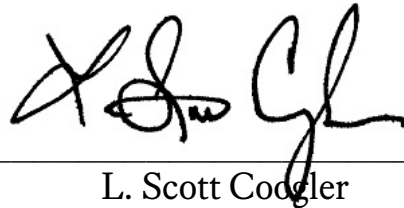
Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the magistrate judge’s report and **ACCEPTS** her recommendation. In accordance with the recommendation, the court finds the petition is due to be dismissed as premature for failure to exhaust state court remedies.

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 omitted). The court finds Rowser's claims do not satisfy either standard.

The court will enter a separate Final Judgment.

**DONE** and **ORDERED** on January 29, 2021.

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

L. Scott Coddler  
United States District Judge

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