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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

RICK R MARSHALL,	)	
	)	
Petitioner,	)	
	)	
v.	)	**Civil Action No.: 7:13-cv-0683-RDP-SGC**
	)	
CARTER DAVENPORT and THE ATTORNEY GENERAL OF THE STATE OF ALABAMA,	)	
	)	
Respondents.	)	

MEMORANDUM OPINION

On August 2, 2016, the Magistrate Judge entered a Report and Recommendation, recommending that the petition for writ of habeas corpus be denied. (Doc. 10). Petitioner Rick R. Marshall was given the opportunity to file objections, but 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** this August 19, 2016.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE