

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

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|-------------------------------|---|---------------------------------|
| MYRON CLANCY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No.: 7:13-cv-00766-MHH-SGC |
| |) | |
| WARDEN WILLIE THOMAS, et al., |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM OPINION

On August 29, 2016, the magistrate judge entered a report recommending that the petition filed by Mr. Clancy (Doc. 1) be denied. (Doc. 9). The magistrate judge also recommended against providing a certificate of appealability to Mr. Clancy because Mr. Clancy has not made a substantial showing of the denial of a constitutional right. (*Id.*). The magistrate judge advised Mr. Clancy of his right to object and gave him fourteen (14) days to do so. (*Id.*). More than fourteen (14) days have passed, and the Court has not received objections from Mr. Clancy.

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

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).

Having reviewed the habeas petition and the report and recommendation, 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 her recommendation.

A separate order will be entered.

DONE and **ORDERED** this September 27, 2016.

A handwritten signature in black ink, reading "Madeline H. Haikala". The signature is written in a cursive style with a horizontal line underneath.

MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE