

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

CARLOS ANTWAN BARNES,)
)
 Petitioner,)
)
 vs.)
)
 ALABAMA DEPARTMENT OF)
 CORRECTIONS and THE)
 ATTORNEY GENERAL FOR)
 THE STATE OF ALABAMA,)
)
 Respondents.)

Case Number: CV 14-S-574-W

MEMORANDUM OPINION

On October 3, 2014, the magistrate judge entered a Report and Recommendation,¹ recommending that this petition for writ of *habeas corpus* be dismissed with prejudice. No objections have been filed.²

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


¹ Doc. no. 9.

² The copy of the report and recommendation mailed to the petitioner was returned and no other address has been provided. (*See* doc. 10).

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 a reasonable jurist would find the district court’s assessment of the constitutional claims debatable and 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 quotation marks omitted). This court finds that petitioner’s claims do not satisfy either standard.

DONE this 30th day of October, 2014.


United States District Judge