

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

PHILLIP McGRAW,)	
)	
Petitioner,)	
)	
v.)	Case No. 7:16-cv-00269-LSC-SGC
)	
LEON BOLLING, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

This is an action on a petition for a writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254 by Phillip McGraw, a prisoner proceeding *pro se*. On March 1, 2019, the magistrate judge entered a report recommending the petition be denied and this action be dismissed with prejudice. (Doc. 17). Although the parties were advised of their right to file specific written objections within fourteen days, no objections have been received by the court.

After careful consideration of the record in this case, including the magistrate judge’s report, the court **ADOPTS** the report of the magistrate judge and **ACCEPTS** her recommendations. In accordance with the recommendation, the court finds that the petition in this matter is due to be denied and this matter is due to be dismissed with prejudice.

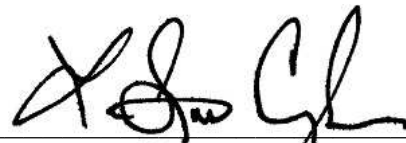
Additionally, in accordance with Rule 11 of the *Rules Governing 2254 Cases*, a certificate of appealability is due to be denied. A certificate of

appealability may issue “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 quotation omitted). Based on the authority discussed in the report and recommendation, the undersigned is of the opinion that a certificate of appealability is not warranted here.

A separate order will be entered.

The Clerk is DIRECTED to serve a copy of this memorandum opinion and its accompanying Final Judgment on the petitioner and on counsel of record.

DONE AND ORDERED ON MARCH 20, 2019.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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