

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>JAMES WHITE,</b>	)	
<b>Petitioner,</b>	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 08-00140-KD-B</b>
<b>WARDEN BOYD,</b>	)	
<b>Respondent.</b>	)	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that Petitioner’s Motion for a Certificate of Appealability is hereby **DENIED**.

Done this the 21st day of September, 2009

s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**