

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

JAMES WHITE,)
)
 Petitioner,)
)
 v.) **CIVIL ACTION NO. 08-00140-KD-B**
)
 WARDEN BOYD,)
)
 Respondent.)

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