

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

<b>BURNICE TAFT DREDING, JR.,</b>	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION 10-0525-KD-M</b>
	)	
<b>DEBORAH TONEY,</b>	)	
<b>Respondent.</b>	)	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to Petitioner Burnice Taft Dreding, Jr.'s Notice of Appeal (Doc. 28), Motion for Leave to Appeal *In Forma Pauperis* with Prisoner Account Statement (Doc. 31) and Motion for Certificate of Appealability (Doc. 33), the Report and Recommendation of the Magistrate Judge made pursuant to 28 U.S.C. § 636(b)(3) and dated June 6, 2011, is **ADOPTED** as the opinion of this Court.<sup>1</sup>

Therefore, it is **ORDERED** that Petitioner Dreding's Motion for Leave to Appeal *In Forma Pauperis* with Prisoner Account Statement (Doc. 31) is **DENIED**, and that Petitioner Dreding's Motion for Certificate of Appealability is **DENIED**. It is further **CERTIFIED** that this appeal is not taken in good faith in that the Petitioner has failed to show that he has a non-frivolous issue to be presented to the Eleventh Circuit Court of Appeals.

**DONE and ORDERED** this the **14<sup>th</sup>** day of **June 2011**.

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

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<sup>1</sup> Since the Report and Recommendation was made after a referral pursuant to 28 U.S.C. § 636(b)(3), the Petitioner does not have the opportunity to file an objection. See, e.g., *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (providing that "Section 636(b)(3) does not provide a party with ten days to file written objections with the district court[']").