

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

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

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.¹

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 **14th** day of **June 2011**.

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

¹ 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[']").