

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

JOHN P. DURANCEAU,	:	
	:	
Petitioner.	:	
	:	
vs.	:	CIVIL ACTION 12-0600-CB-M
	:	
TRAY OLIVER,	:	
	:	
Respondent.	:	

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, 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 this habeas petition be DENIED and that this action be DISMISSED. It is further ORDERED that, if Petitioner files a certificate of appealability, then it be denied as he is not entitled to appeal *in forma pauperis*.

DONE this 21st day of February, 2013.

*s/Charles R. Butler, Jr.*  
 CHARLES R. BUTLER, JR.  
 SENIOR UNITED STATES DISTRICT JUDGE