

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

GIUSEPPE LoPORTO,)	
 AIS #00289453,)	
 Petitioner,)	
)	
v.)	CIVIL ACTION NO. 15-00437-WS-N
)	
WALTER MYERS, Warden,)	
<i>Easterling Correctional Facility,</i>)	
 Respondent.)	

ORDER

After due and proper consideration of the issues raised, and a *de novo* determination of those portions of the recommendation to which objection is made, the Report and Recommendations of the Magistrate Judge (Doc. 17) made under 28 U.S.C. § 636(b)(1)(B)-(C), Rule 8(b) of the Rules Governing § 2254 Cases in the United States District Courts, and S.D. Ala. GenLR 72(a)(2)(R), and dated October 19, 2017, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Petitioner Giuseppe LoPorto's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. 1) is **DISMISSED without prejudice** for lack of jurisdiction as to its challenge to LoPorto's bail jumping criminal judgment, and is otherwise **DISMISSED with prejudice**. It is further **ORDERED** that LoPorto is not entitled to a Certificate of Appealability pursuant to this final adverse order. The Court also certifies that any appeal by LoPorto of the dismissal of the present habeas petition would be without merit and therefore not taken in good faith. Thus, LoPorto is not entitled to proceed *in forma pauperis* on appeal. Final judgment shall issue separately in accordance with this order and Federal Rule of Civil Procedure 58.

DONE and ORDERED this the 14th day of November, 2017.

s/WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE