

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

MICHAEL K. BERRY,

Petitioner.

vs.

CHERYL PRICE,

Respondent.

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CIVIL ACTION 15-0585-WS-M

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 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 the Motion to Stay (Doc. 3) be DENIED and that the habeas petition (Doc. 1) be DENIED and DISMISSED WITHOUT PREJUDICE. It is further ORDERED that any certificate of appealability filed by Petitioner be DENIED as he is not entitled to appeal *in forma pauperis*.

DONE this 10th day of December, 2015.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE