

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

BRANDON MARQUIS PUGH,)	
AIS# 00254312,)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 16-00402-WS-N
)	
JOSEPH HEADLEY,)	
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. 22) 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 June 28, 2017, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that the Petitioner’s Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. 1) is **DISMISSED without prejudice** for lack of subject matter jurisdiction as to its challenge to the Petitioner’s 2007 conviction, and is **DISMISSED with prejudice** as to its challenge to the Petitioner’s 2012 probation revocation. It is further **ORDERED** that the Petitioner is not entitled to a Certificate of Appealability pursuant to this final adverse order. The Court also certifies that any appeal by the Petitioner of the dismissal of the present habeas petition would be without merit and therefore not taken in good faith. Thus, the Petitioner is not entitled to proceed *in forma pauperis* on appeal.

DONE and ORDERED this the 13th day of July, 2017.

s/WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE