

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

JEFFERY J. HARRIS,)
Petitioner,)
vs.) CIVIL ACTION NO. 17-0054-CG-N
WARDEN KLIENER,)
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. 19) 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 August 16, 2017, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Petitioner Jeffery J. Harris's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 (Doc. 1) is **DISMISSED without prejudice in part** for failure to exhaust state court remedies and **DISMISSED with prejudice in part** on the merits, and that his motion for release on his own recognizance (Doc. 17) is **DENIED**. It is further **ORDERED** that Harris is not entitled to a Certificate of Appealability pursuant to this final adverse order. The Court also certifies that any appeal by Harris of the dismissal of the present habeas

petition would be without merit and therefore not taken in good faith. Thus, Harris is not entitled to proceed in forma pauperis on appeal.

DONE and ORDERED this 18th day of September, 2017.

/s/ Callie V. S. Granade
SENIOR UNITED STATES DISTRICT JUDGE