McMillian v. Peters Doc. 16

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

ALEX DEMETRIUS MCMILLIAN, #288873,	)	
Petitioner,	)	
	)	
	)	
v.	)	**Civil Action No. 17-069-WS-N**
	)	
KENNETH PETERS,	)	
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 Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B), is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Petitioner Alex Demetrius McMillian's petition for habeas corpus relief under 28 U.S.C. § 2254 (Doc. 1) be **DISMISSED with prejudice**. It is further **ORDERED** that McMillian is **DENIED** a Certificate of Appealability in relation to this final adverse order. Finally, the Court certifies that any appeal of this order would be without merit and therefore not taken in good faith. Thus, McMillian is not entitled proceed *in forma pauperis* on appeal.

DONE and **ORDERED** this the 11th day of September, 2017.

s/WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE

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