

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

MICHAEL ANGELO DIXON,)
AIS #000248282,)
)
Petitioner,)
)
vs.)
)
CHADWICK CRABTREE, Warden,)
Limestone Correctional Facility,)
)
Respondent.)

CIV. ACT. NO. 1:20-cv-303-TFM-N

MEMORANDUM OPINION AND ORDER

On July 6, 2023, the Magistrate Judge entered a Report and Recommendation which recommends this petition brought under 28 U.S.C. § 2254 be denied and dismissed with prejudice and a certificate of appealability be denied. *See* Doc. 16. It further recommends that the motion to supplement (Doc. 15) and his requests for an evidentiary hearing and appointment of counsel also be denied. The Court previously adopted this Report and Recommendation and issued Judgment on August 3, 2023. *See* Docs. 17, 18. However, on September 11, 2023, the Petitioner filed a motion indicating he did not timely receive the Report and Recommendation which is why he did not file objections. *See* Doc. 19. As a result, the Court vacated the previously entered Memorandum Opinion and Order and Judgment to provide Petitioner an additional opportunity to file objections. *Id.* The Court also provided an extended period because of the holiday and prison mail system but indicated a firm deadline of January 26, 2024 for objections. *Id.* No objections were filed, and the time frame has now passed to include an additional 12 days to account for the mail.

Accordingly, after due and proper consideration of all portions of this file deemed relevant

to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, it is **ORDERED** that Michael Angelo Dixon's petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 is **DENIED** and **DISMISSED with prejudice** as unexhausted and/or procedurally defaulted. Additionally, Petitioner's request for the appointment of counsel, for an evidentiary hearing, and the motion to supplement (Doc. 15) is **DENIED**. Finally, the Court determines that Petitioner is not entitled to a Certificate of Appealability and therefore, is not entitled to appeal *in forma pauperis*.

The Court will enter a separate judgment pursuant to Fed. R. Civ. P. 58.

DONE and **ORDERED** this 7th day of February, 2024.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE