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

PARRISH JAMAR MORRISETTE, #317317,	
Petitioner,	
VS.	
REOSHA BUTLER,	
Respondent.	, ,

CIV. ACT. NO. 1:22-cv-82-TFM-B

MEMORANDUM OPINION AND ORDER

On. May 23, 2022, the. Magistrate Judge entered a Report and Recommendation which recommends dismissal of the habeas corpus petition brought pursuant to 28 U.S.C. § 2254 as time barred and procedurally defaulted. *See* Doc. 5. It further recommends denial of a Certificate of Appealability and the ability to proceed *in forma pauperis*. No objections were filed.

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 Recommendation of the Magistrate Judge made is **ADOPTED** as the opinion of this Court. Accordingly, the petition brought pursuant to 28 U.S.C. § 2254 is **DISMISSED without prejudice**.¹ The Court also finds that Petitioner is not entitled to a Certificate of Appealability and, consequently, is not entitled to appeal *in forma pauperis*.

DONE and **ORDERED** this 2nd day of August, 2022.

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

¹ The Report and Recommendation does not specific with or without prejudice. Therefore, the Court will dismiss without prejudice. But, this is not a comment on the viability of any of the claims given that it appears they are time barred and procedurally defaulted.