

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

MICHAEL J. GREEN,)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 2:09-0105-KD-N
)	
CHERYL PRICE, et al.,)	
Respondents.)	

ORDER

After due and proper consideration of all pleadings in this file, and a de novo determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 and dated April 5, 2010 is **ADOPTED** as the opinion of this Court. The Court finds that there is no basis for issuance of a Certificate of Appealability in this case.

Further, after entry of the Report and Recommendation, Plaintiff filed a Second Motion for Certificate of Appealability. (Doc. 32). This document adds nothing of consequence to his prior motion or to his Objection (Doc. 33) and, in light of this Order, is **MOOT**.

Accordingly, it is **ORDERED** that Petitioner's Motion for Certificate of Appealability (Doc. 27) is **DENIED** and that Petitioner's Second Motion for Certificate of Appealability (Doc. 32) is **DENIED** as **MOOT**.

DONE and ORDERED this the 25th day of **May 2010**.

/s/ Kristi K. DuBose

KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE