

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

JERRY C. WISE,	:	
	:	
Petitioner.	:	
	:	
vs.	:	CIVIL ACTION 11-0728-KD-M
	:	
CHERYL PRICE,	:	
	:	
Respondent.	:	

ORDER

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is ORDERED that this habeas petition be DENIED and this action DISMISSED. It is further ORDERED that, should Petitioner file a certificate of appealability, it be DENIED as he is not entitled to appeal *in forma pauperis*.

DONE this 10th day of May, 2012.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE