

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**JUWANN HAYES**

**PETITIONER**

**VS.**

**4:16-CV-598-BRW-BD**

**WENDY KELLEY, Director,  
Arkansas Department of Correction, and  
LESLIE RUTLEDGE, Attorney General of Arkansas**

**RESPONDENTS**

**ORDER**

The Court has carefully reviewed the Recommended Disposition filed by Magistrate Judge Beth Deere. The parties have not filed objections. The Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court's findings in all respects.

When entering a final order adverse to a habeas corpus petitioner, the Court must issue or deny a certificate of appealability. Rule 11 of the Rules Governing Section 2254 Cases. A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). In this case, there is no basis for this court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

Petitioner Juwann Hayes's petition for writ of habeas corpus (#2) is DENIED and DISMISSED, without prejudice.

IT IS SO ORDERED, this 14th day of February, 2017.

/s/ Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE