

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

**TERRY LAMAR McCOY**

**PETITIONER**

**4:20-cv-00476 LPR/PSH**

**LAFAYETTE WOODS, Jr.,  
SHERIFF, JEFFERSON COUNTY**

**RESPONDENT**


**ORDER**

I have received a proposed Findings and Recommendation from Magistrate Judge Patricia S. Harris. (Doc. 19). No objections have been filed. After a careful review of the Findings and Recommendation, as well as the record, I agree that the petition for a writ of habeas corpus should be dismissed without prejudice.

I fully approve and adopt the facts set out in Judge Harris' Findings and Recommendation. I also agree with the Findings and Recommendation's bottom line: the petition should be dismissed without prejudice because "[t]he constitutional issue can be and has been raised and resolved in the state court case." (*Id.* at 10). To wit, "McCoy was able to pursue his COVID-19 challenges to his pre-trial detention in state court successfully" and there are "no extraordinary circumstances that would warrant [federal court] interference with a pending state criminal case under these circumstances." (*Id.*).

Judgment will be entered dismissing the petition without prejudice. A certificate of appealability will be denied.

IT IS SO ORDERED this 2nd day of December, 2020.

  
LEE P. RUDOFSKY  
UNITED STATES DISTRICT JUDGE