

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

**SAMUEL L. HENDERSON**  
**ADC #120748**

**PETITIONER**

**VS.** **NO. 5:07-CV-00093-JMM-BD**

**RAY HOBBS, Director,**  
**Arkansas Dept. of Correction**

**RESPONDENT**

**ORDER**

The Court has reviewed the Recommended Disposition (“Recommendation”) received from Magistrate Judge Beth Deere; has considered Mr. Henderson’s objections to the Recommendation<sup>1</sup>; and has reviewed *de novo* those portions of the Recommendation to which Mr. Henderson objects<sup>2</sup>. After careful consideration, this Court adopts the Recommendation as its own. Ray Hobbs’s motion to dismiss (#32) is granted and Samuel L. Henderson’s petition for writ of habeas corpus (docket entry #1) and supplement (#31) are dismissed, with prejudice.

When entering a final order adverse to a habeas corpus petitioner, the Court must

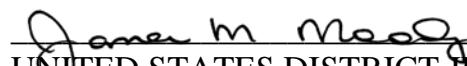
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<sup>1</sup>Petitioner requests the Court provide him with a file marked copy of his objections and a date on which the motion to dismiss was filed, docket # 42. The Court mailed Petitioner a copy of his objections on September 12, 2012. The Clerk of the Court is directed to provide Petitioner with a copy of the docket sheet showing the filings in the case.

<sup>2</sup>Petitioner states that he placed a Response to the Respondent’s motion to dismiss in the prison mail system. The Court did not receive this response. However, Petitioner has set forth his arguments in opposition to dismissal in his Objections to the Recommendation. Accordingly, the Court will interpret his objections as his response to the pending motion as well as his objections to the Recommendation.

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.

IT IS SO ORDERED, this 13<sup>th</sup> day of September, 2012.

  
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UNITED STATES DISTRICT JUDGE