

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

GARY DEWAYNE COOPER  
ADC #121090

PETITIONER

V.

NO. 5:10cv00076 SWW

RAY HOBBS, Director,  
Arkansas Department of Correction

RESPONDENT

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition received from Magistrate Judge Jerry Cavaneau. There have been no objections. The Findings and Recommendations are adopted in their entirety as this Court's findings.

Accordingly, Petitioner's motion to dismiss this 28 U.S.C. § 2254 petition without prejudice (doc. 12) is hereby denied, and this petition (doc. 2) is denied as untimely, dismissing this action in its entirety with prejudice. Furthermore, a certificate of appealability is denied, as Petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2); Rule 11, Rules Governing § 2254 Cases in United States District Courts.

IT IS SO ORDERED this 26<sup>th</sup> day of January, 2011.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE