

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

JAMES GREGORY MURPHY,
ADC #134181

PLAINTIFF

v.

Case No. 5:10-cv-172-DPM

RAY HOBBS,
Director, Arkansas Department
of Correction

DEFENDANT

ORDER

The Court has considered Magistrate Judge H. David Young's Proposed Findings and Recommendations, *Document No. 12*, and James Murphy's objections, *Document No. 15*. After conducting a *de novo* review, the Court adopts Judge Young's proposed findings and recommended disposition with one clarification. FED. R. CIV. P. 72(b)(3).

Reed v. State, No. CR 05-1000, 2005 WL 2792405 (Ark. 27 October 2005) (*per curiam*), is an unpublished case without any precedential value. ARK. SUP. CT. R. 5-2(c). But Judge Young's analysis on this issue is exactly right – with inapplicable exceptions, a plea of *nolo contendere* is not appealable, so Reed's conviction was final on 30 August 2005. ARK. R. APP. P. – CRIM. 1(a).

A certificate of appealability is not appropriate because Murphy has not made a substantial showing that he has been denied any constitutional right.

28 U.S.C.A. § 2253(c)(1)-(2) (West 2006).

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

30 Nov. 2010
