

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

**EFRAIN VIVEROS  
ADC #134814**

**PETITIONER**

**VS.**

**CASE NO.: 5:10CV00262 JMM/BD**

**RAY HOBBS, Director,  
Arkansas Department of Correction**

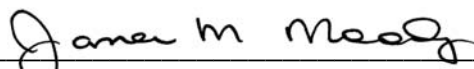
**RESPONDENT**

**ORDER**

The Court has carefully reviewed the record in this case, the Recommended Disposition received from Magistrate Judge Beth Deere, and the objections to the recommendation filed by Mr. Viveros. The Court adopts Judge Deere's recommendation and dismisses Mr. Viveros's 28 U.S.C. § 2254 petition for writ of habeas corpus (docket entry #1) with prejudice.

When entering a final order adverse to a petitioner, the Court must issue or deny a certificate of appealability. See Rule 11 of the Rules Governing Section 2254 Cases in the United States District Court. 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, Mr. Viveros has not provided a basis for this court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

IT IS SO ORDERED, this 29 day of September, 2011.

  
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UNITED STATES DISTRICT JUDGE