

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

JOSEPH POLIVKA,
ADC #070801

PETITIONER

v.

5:10-cv-00294-JMM-JJV

RAY HOBBS, Director,
Arkansas Department of Correction

RESPONDENT

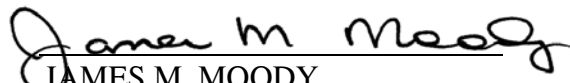
ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

Pursuant to 28 U.S.C. § 2253 and Rule 11 of the RULES GOVERNING SECTION 2554 CASES IN THE UNITED STATES DISTRICT COURT, the Court must determine whether to issue a certificate of appealability in the final order. In § 2254 cases, a certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). The Court finds no issue on which Mr. Polivka has made a substantial showing of a denial of a constitutional right. Thus, a certificate of appealability is denied.

IT IS, THEREFORE, ORDERED that Mr. Polivka's Petition (Doc. No. 2) is DISMISSED with prejudice. The requested relief is denied and any pending motions are denied as moot.

DATED this 8th day of August, 2011.


JAMES M. MOODY
UNITED STATES DISTRICT JUDGE