

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

BOBBY DON HENRY
ADC #112048

PETITIONER

V.

NO. 5:10-cv-00372 JLH

RAY HOBBS, Director,
Arkansas Department of Correction

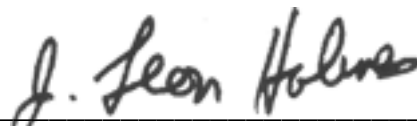
RESPONDENT

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition received from Magistrate Judge Jerry Cavaneau and the objections filed in response, and has further reviewed the relevant record de novo. The Findings and Recommendations are adopted in their entirety as this Court's findings.

Accordingly, this 28 U.S.C. § 2254 petition for writ of habeas corpus (doc. 1) is denied as untimely, dismissing this action in its entirety with prejudice. Petitioner's motion for appointment of counsel (doc. 15) is denied. 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; see *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (to satisfy § 2253(c) when habeas petition is denied on procedural grounds, petitioner must show "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling").

IT IS SO ORDERED this 25th day of May, 2011.



UNITED STATES DISTRICT JUDGE