

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

WILBERT L. JOHNSON
ADC# 84494

PETITIONER

v.

CASE NO. 5:10CV00375 BSM/BD

RAY HOBBS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

The proposed findings and recommended disposition submitted by United States Magistrate Judge Beth Deere [Doc. No. 23] and the filed objections [Doc. Nos. 25 and 26] have been reviewed. After carefully considering these documents and making a *de novo* review of the record, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects. Wilbert L. Johnson's petition for writ of habeas corpus [Doc. No. 2] is dismissed with prejudice.

When entering a final order adverse to a petitioner, a certificate of appealability must be issued or denied. *See* Rule 11 of the Rules Governing Section 2254 and 2255 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). Johnson has not provided a basis to issue a certificate of appealability, therefore, his certificate of appealability is denied.

IT IS THEREFORE ORDERED that:

1. Johnson's petition for writ of habeas corpus [Doc. No. 2] is dismissed with prejudice.

2. Johnson's certificate of appealability is denied.

ORDERED this 1st day of December 2011.


UNITED STATES DISTRICT JUDGE