

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

**RICHARD BOWER
ADC #144498**

PETITIONER

v.

No. 5:11-cv-63-DPM

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

RESPONDENT

ORDER

The Court has considered Magistrate Judge J. Thomas Ray's Proposed Findings and Recommended Disposition, *Document No. 11*, and Bower's objection, *Document No. 13*. Having conducted a *de novo* review of the record, FED. R. CIV. P. 72(b)(3), the Court adopts Magistrate Judge Ray's well-crafted proposal as its own, except for the citation to the unpublished opinion in *United States v. Foster*. Hobbs's motion to dismiss, *Document No. 6*, is granted. Bower's petition is dismissed with prejudice. A certificate of appealability is not appropriate because Bower has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)–(2).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

17 November 2011