

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

**RICKEY BROOKS
ADC #108335**

PETITIONER

v.

CASE NO.: 5:11CV00113-SWW-BD

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

RESPONDENT

ORDER

The Court has carefully reviewed the record in this case and the Recommended Disposition received from Magistrate Judge Beth Deere. Mr. Brooks has not filed any objections. The Court adopts the recommendation and dismisses the petition for writ of habeas corpus (docket entry #2) without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases because the Court lacks jurisdiction over the claims raised in the petition.

When entering a final order adverse to 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. Johnson has not provided a basis for this court to issue of a certificate of appealability. Accordingly, a certificate of appealability is denied.

IT IS SO ORDERED, this 30th day of June, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE