

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

**DEMETRIUS LETRON HEARD  
ADC #601345**

**PETITIONER**

**VS.**

**CASE NO.: 5:11CV00218 SWW/BD**

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

**RESPONDENT**

**ORDER**

The Court has reviewed the Recommended Disposition received from Magistrate Judge Beth Deere. The parties have not filed any objections to the Recommendation. This Court adopts the Recommendation and dismisses Mr. Heard’s Petition for Writ of Habeas Corpus (docket entry #1) without prejudice.

When entering a final order adverse to a habeas corpus petitioner, the Court must issue or deny a certificate of appealability. Rule 11 of the Rules Governing Section 2254 Cases. 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. Heard has not provided a basis for this court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

IT IS SO ORDERED, this 26<sup>th</sup> day of October 2011.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE