

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

ERNEST DEAN WADE)	
ADC # 88041)	
Petitioner,)	Case No. 5:11-CV-00279 JMM-JTK
)	
v.)	
)	
RAY HOBBS, Director,)	
Arkansas Department of Correction)	
Respondent.)	

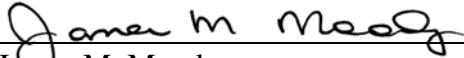
ORDER

The Court has received the Proposed Findings and Recommendations from United States Magistrate Judge Jerome T. Kearney. After careful review of the findings and recommendations and the timely objections thereto, as well as a *de novo* review of the record, the Court concludes that the findings and recommendations should be, and are hereby, approved and adopted in their entirety as this Court’s findings in all respects. Although Plaintiff makes the statement in his objections that he is actually innocent and, therefore, should be allowed to proceed with his petition, Plaintiff has failed to provide any evidence to support his contention. *See Schlup v. Delo*, 513 U.S. 298, 324, 115 S.Ct. 851, 865 (1995) (“To be credible, such a claim [of actual innocence] requires petitioner to support his allegations of constitutional error with new reliable evidence—whether it be exculpatory scientific evidence, trustworthy eyewitness accounts, or critical physical evidence—that was not presented at trial. Because such evidence is obviously unavailable in the vast majority of cases, claims of actual innocence are rarely successful.”)

Accordingly, judgment shall be entered dismissing this complaint with prejudice.

The Court will not issue a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2).

IT IS SO ORDERED this 25th day of June, 2012.


James M. Moody
United States District Judge