

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

WALTER J. SIMS
ADC #134577

PETITIONER

v. NO. 5:12CV00043 JLH/BD

RAY HOBBS, Director,
Arkansas Department of Correction

RESPONDENT

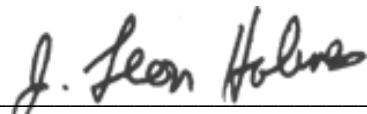
ORDER

The Court has reviewed the Recommended Disposition (“Recommendation”) received from Magistrate Judge Beth Deere. The parties have not filed any objections to the Recommendation.

This Court adopts the Recommendation as its own. Respondent Ray Hobbs is GRANTED summary judgment, and Petitioner Walter J. Sims’s petition for writ of habeas corpus (#2) is DISMISSED with prejudice. All pending motions are denied as moot.

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, there is no basis for this court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

IT IS SO ORDERED this 13th day of July, 2012.



UNITED STATES DISTRICT JUDGE