

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

**DEMETRIUS LETRON HEARD
ADC #601345**

PETITIONER

VS.

CASE NO.: 5:12CV00091 SWW/BD

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

RESPONDENT

ORDER

The Court has reviewed the Recommended Disposition received from Magistrate Judge Beth Deere. No objections to the Recommendation have been filed. 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 27th day of April, 2012.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE