

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

**BILLY JOE KELLEY
ADC #109693**

PETITIONER

v.

CASE NO. 5:12CV00372 BSM

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

RESPONDENT

ORDER


The proposed findings and recommended disposition submitted by United States Magistrate Judge Joe J. Volpe and the parties' objections have been reviewed. After carefully considering the objections and making a *de novo* review of the record in this case, it is concluded that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety in all respects.

Pursuant to 28 U.S.C. § 2253 and Rule 11 of the rules governing section 2554 cases in the United States District Court, it must be determined whether a certificate of appealability in the final order should be issued. In § 2254 cases, a certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). It is determined that there is no issue on which Mr. Kelley has made a substantial showing of a denial of a constitutional right. Thus, the certificate of appealability is denied.

IT IS THEREFORE ORDERED that Mr. Kelley's petition [Doc. No. 2] is DISMISSED with prejudice. The requested relief is denied and any pending motions are

denied as moot.

DATED this 13th day of June 2013.



UNITED STATES DISTRICT JUDGE