

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

BILLY CULBERTSON,
ADC #076385,

Petitioner,

vs.

RAY HOBBS, Director,
Arkansas Department of Correction

Respondent.

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No. 5:12CV00391-SWW-JJV

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and Petitioner's objections. After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings 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, the Court must determine whether to issue a certificate of appealability in the final order. 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). The Court finds no issue on which Mr. Culbertson 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. Culbertson's Petition (Doc. No. 2) is DISMISSED with prejudice. The requested relief is denied and any pending motions are denied as moot.

DATED this 10th day of May, 2013.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE