

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

REGINALD DARNELL RICHARDSON
ADC # 134785

PETITIONER

v.

Case No. 5:13-cv-00020-KGB-JJV

RAY HOBBS, Director
Arkansas Department of Correction

RESPONDENT

ORDER

The Court has reviewed the Proposed Findings and Recommendations submitted by United States Magistrate Judge Joe J. Volpe (Dkt. No. 11) and the objections filed by petitioner Reginald Darnell Richardson (Dkt. No. 15). After carefully considering Mr. Richardson's objections and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

The Court has considered Mr. Richardson's objection to the finding that his petition is barred by the statute of limitations. Mr. Richardson contends that the Pulaski County Clerk's office denied him access to the courts by rejecting his attempts to file his *state* habeas petition in Pulaski County Circuit Court. He argues this is an unconstitutional impediment to filing that should toll the statute of limitations under 28 U.S.C. § 2244(d)(1)(B). Mr. Richardson's reliance on § 2244(d)(1)(B) is misplaced, as that provision applies to impediments to filing a federal petition. The Court acknowledges Mr. Richardson's frustration over his many efforts to file a state petition. However, § 2244(d)(1)(B) does not apply to an allegedly unconstitutional impediment to filing Mr. Richardson's state petition.¹ Furthermore, despite determining that Mr.

¹ The Court makes no finding on whether the Pulaski County Clerk violated Mr. Richardson's First Amendment right of access to the courts, as he contends.

Richardson's claims are barred by the statute of limitations, the Proposed Findings and Recommendations examine the arguments advanced by Mr. Richardson and conclude that Mr. Richardson's claims are without merit.

It is therefore ordered that that Mr. Richardson's petition for writ of habeas corpus is denied with prejudice (Dkt. No. 2). The Court denies the requested relief, and the Court denies as moot any pending motions.

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. Richardson has made a substantial showing of a denial of a constitutional right. Therefore, the Court denies the certificate of appealability.

SO ORDERED this the 2nd day of June, 2014.



Kristine G. Baker
United States District Judge