

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

**NICKARLOS ANTWAN BANKS  
ADC #106872**

**PETITIONER**

**v.**

**CASE NO. 5:14CV00048 BSM**

**WENDY KELLEY, Director,  
Arkansas Department of Correction**


**RESPONDENT**

**ORDER**

The recommended disposition submitted by United States Magistrate Judge J. Thomas Ray and petitioner's objections thereto have been reviewed. In his objection [Doc. No. 25], petitioner Nickarlos Banks argues that his change of plea was involuntary because he was under the influence of crack cocaine during his change of plea hearing. Banks filed this petition over two years ago, and this is the first time he has mentioned being under the influence of drugs during the hearing. Banks's new assertion lacks credibility. *See United States v. Taylor*, 515 F.3d 845, 851 (8th Cir. 2008). Accordingly, after carefully considering these documents and making a *de novo* review of the record, the recommended disposition is hereby adopted in all respects.

It is therefore ordered that Banks's petition for a writ of habeas corpus [Doc. No. 1] is denied, and this case is dismissed with prejudice. It is further ordered that a certificate of appealability is denied.

IT IS SO ORDERED this 25th day of March 2016.

A handwritten signature in cursive script, reading "Brian S. Miller". The signature is written in black ink and is positioned above a horizontal line.

UNITED STATES DISTRICT JUDGE