

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

**ANDRE JAMES USSERY  
ADC # 119994**

**PLAINTIFF**

v.

**Case No. 5:14-cv-225 KGB**

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

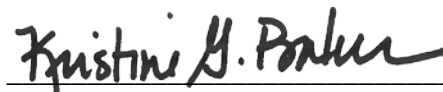
**DEFENDANT**

**ORDER**

The Court has received the Proposed Findings and Recommendations from United States Magistrate Judge Jerome T. Kearney (Dkt. Nos. 26, 27). Plaintiff Andre James Ussery has filed objections (Dkt. No. 28). The Court also has reviewed Mr. Ussery's motion for disposition (Dkt. No. 29). After carefully reviewing the Proposed Findings and Recommendations and the timely objections thereto, and conducting a *de novo* review of the record, the Court hereby approves and adopts the Proposed Findings and Recommendations in their entirety as this Court's findings in all respects (Dkt. Nos. 26, 27). The Court dismisses with prejudice Mr. Ussery's petition (Dkt. No. 2) and denies the requested relief. The Court denies as moot Mr. Ussery's motion for disposition (Dkt. No. 29).

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. Ussery has made a substantial showing of the denial of a constitutional right. Thus, the Court declines to issue a certificate of appealability.

SO ORDERED this 24th day of November, 2015.



Kristine G. Baker  
United States District Judge