

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

SAM EDWARD THURMOND, SR.

PETITIONER

v.

CASE NO. 5:14CV00296 BSM

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

RESPONDENT

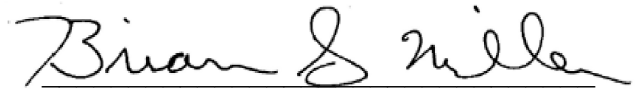
ORDER

The proposed findings and recommendations from Magistrate Judge H. David Young have been received, along with the objections thereto. After careful review of the findings and recommendations, the objections, and a *de novo* review of the record, it is concluded that the findings and recommendations should be, and hereby are, approved and adopted in their entirety in all respects. Additionally, petitioner Sam Edward Thurmond, Sr.'s motion to appoint counsel [Doc. No. 20] is denied because the issues are neither factually nor legally complex, and he appears to be able to adequately present his claims. *See Phillips v. Jasper County Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

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). As there is no issue on which petitioner has made a substantial

showing of a denial of a constitutional right, the certificate of appealability is denied.

IT IS SO ORDERED this 24th day of December 2014.

A handwritten signature in black ink, reading "Brian S. Miller". The signature is written in a cursive style with a horizontal line underneath the name.

UNITED STATES DISTRICT JUDGE