

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

GAVINO PATRICK MAZUREK

PETITIONER

v.

No. 5:14-cv-439-DPM

WENDY KELLEY,* Director,
Arkansas Department of Correction

RESPONDENT

ORDER

Unopposed recommendation, *No. 9*, adopted as supplemented. FED. R. CIV. P. 72(b) (1983 Addition to Advisory Committee Notes). The narrow exception created by *Martinez* and *Trevino* applies only to substantial claims of ineffective assistance of trial counsel. *Martinez v. Ryan*, 132 S. Ct. 1309, 1320 (2012); *Trevino v. Thaler*, 133 S. Ct. 1911, 1921 (2013). The exception doesn't apply to Mazurek's claim that the trial court erred in denying his Rule 26 motion. *No. 9 at 7-8*. Mazurek's petition, *No. 1*, will be dismissed with prejudice. No certificate of appealability will issue. 28 U.S.C. § 2253(c)(1)-(2).

*The Court directs the Clerk to amend the docket to reflect the current Director of the Arkansas Department of Correction, Wendy Kelley. FED. R. CIV. P. 25(d).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

20 October 2015