

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

**RODNEY BUNCH
ADC #117083**

PETITIONER

VS.

CASE NO.: 5:15CV00245 SWW/BD

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

RESPONDENT

ORDER

The Court has reviewed the Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere, and has reviewed *de novo* those portions of the Recommendation to which Mr. Bunch objects. This Court adopts the Recommendation as its own. Rodney Bunch’s Petition for Writ of Habeas Corpus (docket entry #1) and Amended Petition for Writ of Habeas Corpus (#4) are DISMISSED, without prejudice, and his pending motion for evidentiary hearing (#3) is DENIED as moot.

When entering a final order adverse to a habeas corpus petitioner, the Court must issue or deny a certificate of appealability. Rule 11 of the Rules Governing Section 2254 Cases. A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). In this case, there is no basis for this court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

IT IS SO ORDERED, this 26th day of January, 2015.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE