

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

**THOMAS ALLEN ADAMS
ADC#148291**

PETITIONER

v.

Case No. 5:15-cv-00264 KGB/JTK

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

RESPONDENT

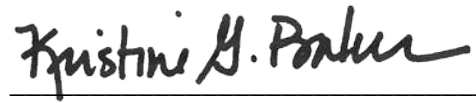
ORDER

Before the Court are the Proposed Findings and Recommendations (“Recommendations”) from United States Magistrate Judge Jerome T. Kearney (Dkt. No. 10). Plaintiff Thomas Allen Adams filed objections to Judge Kearney’s Recommendations (Dkt. Nos. 11, 12). After review of Judge Kearney’s Recommendations and the timely objections, as well as a *de novo* review of the record, this Court adopts Judge Kearney’s Recommendations in their entirety as this Court’s findings in all respects (Dkt. No. 10).

The Court has carefully reviewed Mr. Adams’s objections. His objections do not persuade this Court to reject Judge Kearney’s Recommendations. Specifically in regard to Mr. Adams’s fourth argument of actual innocence, based on a review of the entire record including but not limited to the objections, the Court adopts Judge Kearney’s Recommendations and determines that Mr. Adams has not presented sufficient new evidence to rise to the level of proof required for the actual innocence claim to excuse his untimeliness.

It is therefore ordered that Mr. Adams’s petition for writ of *habeas corpus* is dismissed with prejudice, and the request for relief is denied (Dkt. No. 2). The Court will not issue a certificate of appealability because Mr. Adams has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c).

It is so ordered, this the 11th day of December, 2017.

A handwritten signature in black ink, reading "Kristine G. Baker". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Kristine G. Baker
United States District Judge