

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

RICHARD D. DAY, JR.

PETITIONER

v.

Case No. 5:15-cv-00273 KGB/BD

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

RESPONDENT

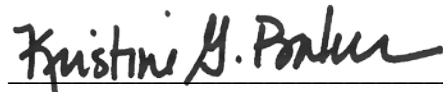
ORDER

The Court has reviewed the Recommended Disposition (“Recommendation”) filed by United States Magistrate Judge Beth Deere (Dkt. No. 8). Plaintiff Richard D. Day, Jr., filed objections to the Recommendation (Dkt. No. 9). Mr. Day’s objections were not timely filed. However, the Court has considered his objections and has reviewed *de novo* the record. After careful consideration, this Court adopts the Recommendation as its own. Mr. Day’s petition for writ of habeas corpus is denied and dismissed with prejudice (Dkt. No. 2).

In regard to Mr. Day’s objections, the Court notes that his 212-page petition and 11-page memorandum of law in support of his petition are filed of record and have been reviewed and considered by this Court (Dkt. Nos. 2, 3). This Court has carefully reviewed the arguments and authorities cited by Mr. Day, by Wendy Kelley in response to Mr. Day’s petition, and by Judge Deere. The Court bases its decision to adopt the Recommendation on this review.

When entering a final order adverse to a habeas corpus petitioner, the Court must issue or deny a certificate of appealability. 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.

So ordered this the 28th day of April, 2016.

A handwritten signature in black ink, reading "Kristine G. Baker". The signature is written in a cursive style with a horizontal line underneath it.

Kristine G. Baker
United States District Judge