

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

**STEWART L. GILBERT  
ADC #121590**

**PETITIONER**

**VS.**

**NO. 5:15CV00373-JLH-BD**

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

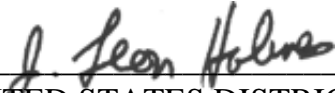
**RESPONDENT**

**ORDER**

The Court has reviewed the Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere. After careful consideration of the Recommendation and Mr. Gilbert’s timely objections, and after a *de novo* review of the record, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings in all respects.

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.

Petitioner Stewart L. Gilbert’s petition for writ of habeas corpus (#1) is DISMISSED, without prejudice, this 14th day of September, 2016.

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE