

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

JOHNATHAN JOHNSTON
ADC #154144

PETITIONER

v.

CASE NO. 5:16CV00098 BSM

WENDY KELLEY, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

The proposed findings and recommendations [Doc. No. 7] submitted by United States Magistrate Judge Joe J. Volpe have been received along with petitioner Johnathan Johnston's objections and respondent Wendy Kelley's response to Johnston's objections. *See* Doc. Nos. 12, 13. After careful consideration of the record, the proposed findings and recommendations are adopted in their entirety. Accordingly, Johnston's petition for writ of *habeas corpus* [Doc. No. 1] pursuant to 28 U.S.C. section 2254 is dismissed with prejudice, and the relief sought is denied. A certificate of appealability will not be granted because Johnston has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(1)-(2).

IT IS SO ORDERED this 12th day of May 2017.



UNITED STATES DISTRICT JUDGE