

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

**JAMES C. LEVER
ADC# 99939**

PETITIONER

VS.

5:16CV00155 BRW/BD

**WENDY KELLEY, Director,
Arkansas Department of Correction, et al.**

RESPONDENT

ORDER

The Court has received and reviewed the Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere. After a careful review of Mr. Lever’s objections and a *de novo* review of the record, the Court approves and adopts the Recommendation as its 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.¹ A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a constitutional right.² In this case, there is no basis for this court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

Accordingly, this case is DISMISSED without prejudice.

IT IS SO ORDERED this 22nd day of June, 2016.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹Rule 11 of the Rules Governing Section 2254 Cases.

²28 U.S.C. § 2253(c)(1)-(2).