

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

STEVEN C. HAYES

PLAINTIFF

v.

CASE NO. 5:16-CV-00162 BSM

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

DEFENDANT

ORDER

The proposed findings and recommendations submitted by United States Magistrate Judge Jerome T. Kearney [Doc. No. 35] have been received, along with the objections thereto submitted by plaintiff Steven Hayes [Doc. Nos. 37, 39, 40, 43]. After *de novo* review of the record, the proposed findings and recommendations are adopted in part and rejected in part. Hayes's writ of habeas corpus [Doc. No. 1] is dismissed for his failure to exhaust state court remedies as required by 28 U.S.C. § 2254(b)(1)(A).

Accordingly, Hayes's petition is dismissed without prejudice, the relief sought is denied, and the remainder of Hayes's outstanding motions are denied as moot [Doc. Nos. 21, 31, 32, 33, 34, 35, 42, 44, 45]. A certificate of appealability will not be granted because Hayes has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). An *in forma pauperis* appeal, therefore, would not be taken in good faith.

See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3)(A).

IT IS SO ORDERED this 25th day of October 2016.


UNITED STATES DISTRICT JUDGE