

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

MICHAEL BENJAMIN

PETITIONER

VS.

5:16-cv-00253 BRW

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

RESPONDENT

ORDER

I received the findings and recommendation from Magistrate Judge Patricia S. Harris.

After a careful review of the findings and recommendation, the timely objections received thereto, and a de novo review of the record, I approve and adopt the findings and recommendation in their entirety.

Respondent's Motion to Dismiss (Doc. No. 18) is GRANTED. Petitioner's writ of habeas corpus under 28 U.S.C. §2254 is dismissed without prejudice so that he may seek permission from the Court of Appeals to file his petition. All requested relief is denied, and judgment will be entered. A certificate of appealability is denied.¹

IT IS SO ORDERED this 30th day of January, 2017.

/s/ Billy Roy Wilson

UNITED STATES DISTRICT JUDGE

¹See Rule 11(a) of the Rules Governing Section 2254 Cases In The United States District Courts.