

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

DON AIRSMAN, JR.  
ADC #154517

PETITIONER

V.

CASE NO. 5:16-CV-00329-JM-JTK

WENDY KELLEY, *Director*  
Arkansas Department of Correction

RESPONDENT

**ORDER**

The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. After careful review of the findings and recommendations and the timely objections thereto, as well as a de novo review of the record, the Court concludes that the findings and recommendations should be, and are hereby, approved and adopted as this Court's findings in all respects in their entirety. Judgment shall be entered accordingly.<sup>1</sup> A certificate of appealability will not issue.

SO ORDERED this 29<sup>th</sup> day of August, 2018.

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Petitioner attaches, as "new evidence" a copy of the notice of appeal he filed from the denial of his second Rule 37.1 petition. This is not new evidence as the appeal notice was before the Supreme Court as noted in the Court's opinion, denying mandamus, See, *Airsman v. State*, 2016 Ark. 297, n.2.