

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

TERRY DON MATTHEWS

PETITIONER

V.

CASE NO. 12-CV-4113

RAY HOBBS, Director,  
Arkansas Department of Correction

RESPONDENT

**ORDER**

Before the Court is the Report and Recommendation filed June 10, 2014, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 32. Judge Bryant recommends that the original and supplemental Petitions for Writ of *Habeas Corpus* (ECF Nos. 1 and 28) be denied and dismissed with prejudice.

Petitioner Terry Don Matthews has responded with objections, and the Court has reviewed the objections. ECF No. 34. The Court, being well and sufficiently advised, finds that Matthews's objections offer neither law nor fact requiring departure from the Report and Recommendation.<sup>1</sup> After reviewing the record *de novo*, the Court adopts the Report and Recommendation *in toto*.

Accordingly, the original and supplemental Petitions for Writ of *Habeas Corpus* (ECF Nos. 1 and 28) are **DENIED** and **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED**, this 31st day of August, 2015.

/s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge

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<sup>1</sup>The magistrate judge determined that, for all of Matthews's claims, he has either procedurally defaulted or fully adjudicated the matters in state court with no ability for *habeas* review. The court agrees with the magistrate judge's determination. Matthews procedurally defaulted on certain claims because he failed to present the claims to the state court. ECF No. 32, p. 5-7. Regarding the claims that were adjudicated in state court and preserved for the Court's review, which are Matthews's ineffective assistance of counsel claims, Matthews has not demonstrated that the state court adjudication: (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States;" or (2) "resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding." 28 U.S.C. § 2254(d).