

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

KENNETH WHITE

PETITIONER

v.

Case No. 4:16-cv-4067

WENDY KELLEY, Director,  
Arkansas Department of Correction

RESPONDENT

**ORDER**

Before the Court is the Report and Recommendation filed April 17, 2017, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 30). Judge Bryant recommends that Petitioner Kenneth White's Motion for Certificate of Appealability<sup>1</sup> (ECF No. 29) be denied because Petitioner has not made a substantial showing of the denial of a constitutional right.

Plaintiff has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. Petitioner's Motion for Certificate of Appealability (ECF No. 29) is hereby **DENIED**.

**IT IS SO ORDERED**, this 12th day of May, 2017.

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

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<sup>1</sup> On March 13, 2017, the Court adopted a Report and Recommendation, granting Respondent Wendy Kelley's motion to dismiss and denying Petitioner's petition for a writ of *habeas corpus* under 28 U.S.C. § 2254. On April 17, 2017, Petitioner mailed to the Clerk of Court a letter dated April 12, 2017, indicating that he wished to appeal the dismissal of his case. The letter was construed as a motion for certificate of appealability.