

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

MICHAEL SHANE WILMOTH

PETITIONER

V.

CASE NO. 5:16-CV-5330

WENDY KELLEY, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

Comes on for consideration the Report and Recommendation (Doc. 36) filed in this case on September 5, 2017, by the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas. Fourteen (14) days have passed without objections being filed by the parties.

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendation, Petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. 1) should be **DISMISSED WITH PREJUDICE**. For the reasons stated in the Report and Recommendation, a request for Certificate of Appealability is **DENIED**.

IT IS SO ORDERED on this 21st day of September, 2017.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE