

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

ERIC S. RAY

PETITIONER

v.

No. 5:21-CV-05008

MARK GENTRY, Warden, Davis
Correctional Facility, and LESLIE
RUTLEDGE, Attorney General for
the State of Arkansas

RESPONDENTS

ORDER

The Court has received a report and recommendation (Doc. 17) from United States Magistrate Judge Mark E. Ford. No objections have been filed and the deadline to file objections has passed. The Magistrate recommends that the Court deny the petition for a writ of habeas corpus without prejudice and dismiss the motion to appoint counsel as moot. The Court has conducted careful review of this case. The report and recommendation is proper, contains no clear error, and is ADOPTED IN ITS ENTIRETY.

IT IS THEREFORE ORDERED that Respondent Leslie Rutledge's motion to dismiss (Doc. 14) is GRANTED and the petition for a writ of habeas corpus (Doc. 1) is DISMISSED WITHOUT PREJUDICE. No certificate of appealability shall issue. Judgment will be entered accordingly.

IT IS FURTHER ORDERED that Petitioner Eric S. Ray's motion to appoint counsel (Doc. 13) is DENIED as MOOT.

IT IS SO ORDERED this 27th day of April, 2021.

/s/ P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE