

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION**

ARBURY C. BOWERMAN

PETITIONER

v.

Case No. 6:16-cv-6056

WENDY KELLY, Director
ARKANSAS DEPARTMENT OF CORRECTION

RESPONDENT

ORDER

Before the Court is the Report and Recommendation filed June 30, 2017, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 15). Judge Marschewski recommends that Petitioner's Motion to Vacate, Set Aside, or Correct a Sentence Pursuant to 28 U.S.C. § 2254 (ECF No. 1) be dismissed. In addition, Judge Marschewski recommends that no certificate of appealability should issue. No party has filed objections to the Report and Recommendation, and the time to object has passed.¹ *See* 28 U.S.C. § 636(b)(1). Upon review, the Court adopts the Report and Recommendation *in toto*. Accordingly, Petitioner's petition is **DISMISSED WITH PREJUDICE**.

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

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

¹ On July 31, 2017, Petitioner filed a motion for leave to amend his habeas petition. ECF No. 18. On October 12, 2017, the Court issued an Order denying Petitioner's request to amend his petition. *See* ECF No. 19.