

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GASPAR SYLVESTER,

Plaintiff,

v.

BRUCE CHATMAN,

Defendant.

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CIVIL ACTION NO. 5:10-CV-464 (MTT)

ORDER

Before the Court is Magistrate Judge Charles H. Weigle’s Recommendation (Doc. 12) on the Petitioner’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1). The Magistrate Judge recommends denying the Petition because the Petitioner’s grounds for relief are procedurally defaulted or fail to state a basis for habeas relief. The Magistrate Judge also recommends the Court deny the Petitioner a certificate of appealability because he has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2). The Petitioner did not object to the Magistrate Judge’s Recommendation.

The Court has reviewed the record in this case. The Recommendation is **ADOPTED** and made the **ORDER** of this Court. The Petition for Writ of Habeas Corpus is **DENIED**. Further, the Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2). Therefore, a certificate of appealability is also denied.

SO ORDERED, this 23rd day of January, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT