

considered the Petitioner's Objection but concludes that his objections do not warrant rejection or modification of the Magistrate Judge's findings.

The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. Further, pursuant to the Magistrate Judge's recommendation, a certificate of appealability is denied. The Recommendation is adopted and made the order of this Court. The Motion to Dismiss is **GRANTED**.

SO ORDERED, this the 6th day of September, 2011.

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

bnw