

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

CALVIN MOORE,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 5:15-cv-379 (MTT)
)	
GREGORY MCLAUGHLIN,)	
)	
Respondent.)	
)	

ORDER

United States Magistrate Judge Charles H. Weigle recommends dismissing one of the Petitioner’s Section 2254 claims as procedurally barred and denying the other claims because they were decided on the merits by the Georgia Supreme Court, and that Court’s decision was not contrary to clearly established federal law or based on unreasonable factual determinations. (Doc. 13). The Petitioner has objected to the Recommendation. (Doc. 14). Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the Petitioner’s objection and has made a de novo determination of the portions of the Recommendation to which the Petitioner objects.

The Court has reviewed the Recommendation and accepts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Petitioner’s claim related to trial counsel’s failure to file a motion to suppress his arrest warrant is procedurally barred from federal review and **DISMISSED**, the claims related to suppressing fingerprint evidence and cross-examining the fingerprint expert are **DENIED**, and a

certificate of appealability is **DENIED**. Additionally, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. See 28 U.S.C. § 1915(a)(3). Accordingly, any motion to proceed *in forma pauperis* on appeal is **DENIED**.

SO ORDERED, this 27th day of June, 2016.

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