

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

MICHAEL MATHIS,)
Petitioner,)
v.) CIVIL ACTION NO. 5:16-cv-59 (MTT)
YASMEEN BACON,)
Respondent.)

)

ORDER

United States Magistrate Judge Charles H. Weigle recommends granting the Respondent's Motion to Dismiss (Doc. 10) and dismissing the Petitioner's Section 2254 petition because the grounds are unexhausted. (Doc. 15). The Petitioner has objected to the Recommendation. (Doc. 16). 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.

In his objection, the Petitioner says he would like to pursue his state habeas action and his state appeal through the federal court. (Doc. 16). As the Magistrate Judge explained, this Court cannot hear the Petitioner's habeas petition because he has not shown that he is being prevented from filing his state habeas petition in state court. (Doc. 15 at 3) Additionally, to the extent the Petitioner is attempting to directly appeal his conviction in this Court, this Court has no jurisdiction to hear a direct appeal of a state-court conviction.

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 Respondent's Motion to Dismiss is **GRANTED** (Doc. 10), and the Petitioner's Section 2254 petition is **DISMISSED**. 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 19th day of August, 2016.

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