

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

IVAN DALE MILLER, )  
Petitioner, )  
v. ) CIVIL ACTION NO. 5:16-CV-534 (MTT)  
Warden ANTOINE CALDWELL, )  
Respondent. )  
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)

ORDER

United States Magistrate Judge Stephen Hyles recommends denying the Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. 11. The Magistrate Judge also recommends that the Court deny a certificate of appealability. *Id.* at 9. 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 Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the petition is **DISMISSED** 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 also **DENIED**.

**SO ORDERED**, this 21st day of September, 2017.

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