

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MONTRELL GREEN,	:	PRISONER HABEAS CORPUS
GDC ID # 1200165,	:	28 U.S.C. § 2254
Petitioner,	:	
	:	
v.	:	
	:	
STANLEY WILLIAMS,	:	CIVIL ACTION NO.
Respondent.	:	1:12-cv-4025-JEC

ORDER & OPINION

This case is before the Court on the Magistrate Judge’s Final Report and Recommendation (“R&R”) [6] and petitioner’s objections [8]. The Magistrate Judge recommends that petitioner’s 28 U.S.C. § 2254 petition for a writ of habeas corpus [1] be denied, this action be dismissed, and a certificate of appealability be denied. (R&R [6] at 14.)

The district court must “make a de novo determination of those portions of the [R&R] to which objection is made” and “may accept, reject, or modify [the R&R], in whole or in part” 28 U.S.C. § 636(b)(1)(C). Portions of the R&R to which no objection is made are reviewed only for clear error. *Macort v. Prem, Inc.*, 208 Fed. App’x 781, 784 (11th Cir. 2006)(per curiam).

Petitioner objects to the R&R as to all four grounds of his petition. In ground one, petitioner claims that the trial court should have suppressed his statement to police as involuntary. (R&R [6] at 8.) The Georgia Supreme Court concluded that the statement

was voluntary, and the Magistrate Judge determined that the court's conclusion is (1) neither contrary to, nor an unreasonable application of, clearly established federal law and (2) not based on an unreasonable determination of the facts. (*Id.* at 8-9.) The Magistrate Judge explained that the court considered petitioner's "characteristics, including his age and actions, and the details of the interrogation, including the administration of *Miranda*¹ rights, the offers . . . to consult with a parent, and the decision to charge at the end of the interview." (*Id.* at 9.)

Petitioner objects that (1) he has a low level of education, (2) his mother would have known "what was best," and (3) he was afraid and did not know that he could decline to speak to police as a witness. (Pet'r's Obj. [8] at 2.) Those objections do not alter the totality of circumstances that the Georgia Supreme Court considered, and they do not satisfy the standard for federal habeas corpus relief. Petitioner also asks this Court to review five cases,² but those cases do not assist petitioner because they are not United States Supreme Court cases. (See R&R [6] at 6-7.) The Magistrate

¹ *Miranda v. Arizona*, 384 U.S. 436 (1966).

² Petitioner cites *West v. United States*, 399 F.2d 467 (5th Cir. 1968); *Crawford v. State*, 240 Ga. 321 (1977); *Williams v. State*, 238 Ga. 298 (1977); and *Bussey v. State*, 144 Ga. App. 875 (1978). (Pet'r's Obj. [8] at 2.) Petitioner also mentions "Franklin v. State" but does not give a citation. (*Id.*)

Judge correctly determined that petitioner is not entitled to habeas relief on ground one.

Petitioner's objections as to grounds two, three, and four merely repeat arguments in his petition. (See Pet'r's Obj. [8] at 2-3; R&R [6] at 9-13.) Furthermore, petitioner fails to address the Magistrate Judge's determination that a portion of ground three and all of ground four are procedurally defaulted. (R&R [6] at 4-6.) The Court finds that the Magistrate Judge properly considered petitioner's arguments and correctly determined that petitioner is not entitled to habeas relief on grounds two, three, and four.

It is hereby Ordered that the Court **OVERRULES** petitioner's objections [8] and **ADOPTS** the Magistrate Judge's R&R [6] **DENYING** the § 2254 petition for a writ of habeas corpus [1], **DISMISSING** this action, and **DENYING** a certificate of appealability. The Clerk shall close this case.

SO ORDERED, this 26th day of July, 2014.

/s/ Julie E. Carnes
JULIE E. CARNES
CHIEF UNITED STATES DISTRICT JUDGE