

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

JAMON DEMETRIUS JACKSON,

Petitioner,

v.

GREGORY MCLAUGHLIN
MACON STATE PRISON,

Respondent.

CIVIL ACTION FILE
NO. 1:16-CV-2692-TWT

ORDER

This is a pro se habeas corpus action. It is before the Court on the Report and Recommendation [Doc. 32] of the Magistrate Judge recommending dismissing the action as untimely. The Petitioner in his objections does not address the fact that this action is barred by the one year statute of limitations in 28 U. S. C. § 2244(d). The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Respondent's Motion to Dismiss [Doc. 22] is GRANTED. This action is DISMISSED. The Petition for a Writ of Mandamus [Doc. 31] is DENIED. Pursuant to Rule 11 of the Rules Governing Section 2254 Cases, "[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. . . . If the court issues a certificate, the court must state the specific issue or

issues that satisfy the showing required by 28 U.S.C. § 2253(c)(2).” Section 2253(c)(2) states that a certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” A substantial showing of the denial of a constitutional right “includes showing that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal quotation marks omitted). No Certificate of Appealability will be granted.

SO ORDERED, this 24 day of January, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge