

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

**In the United States District Court
For the Southern District of Georgia
Statesboro Division**

2017 NOV -9 A 8 29

CLERK J. Jayh
SO. DIST. CT. GA.

DELWIN BERRY,

Petitioner,

v.

WARE STATE,

Respondent.

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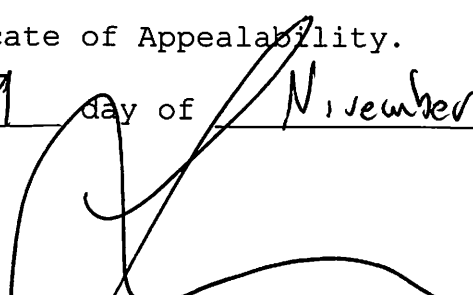
CIVIL ACTION NO.: 6:17-cv-46

ORDER

After an independent and *de novo* review of the entire record, the Court concurs with the Magistrate Judge's Report and Recommendation, dkt. no. 16, to which Petitioner Delwin Berry ("Berry") failed to file Objections. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DISMISSES without prejudice** Berry's 28 U.S.C. § 2254 Petition and **DISMISSES as moot** Berry's still-pending Motions. Dkt. Nos. 1, 7, 8, 10, 12. The Court **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal.

The Court **DENIES** Berry *in forma pauperis* status on appeal and **DENIES** Berry a Certificate of Appealability.

SO ORDERED, this 9 day of November, 2017.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA