

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

JAMES E. HAWES,

Petitioner,

v.

STATE OF GEORGIA; and MICHAEL  
NIALL,

Respondents.

CIVIL ACTION NO.: 6:18-cv-48

**ORDER**

Having conducted an independent and de novo review of the entire record, the concurs with the Magistrate Judge's Report and Recommendation, (doc. 25). Petitioner James Hawes ("Hawes") filed Objections to this Report and Recommendation, (doc. 27).

The Magistrate Judge recommended the Court deny Hawes' Petition as barred under Teague v. Lane, 489 U.S. 488 (1989), and because the state courts' determinations of the claims Hawes raised in his 28 U.S.C. § 2254 Petition for Writ of Habeas Corpus are entitled to deference. (Doc. 25, pp. 7–14.) The Magistrate Judge also recommended the Court deny as moot any pending Motions. (Id., p. 1.) While Hawes' Objections are responsive to the Magistrate Judge's Report and Recommendation, his Objections are without merit and are little more than an iteration of the claims he originally set forth in these proceedings and that the Magistrate Judge correctly addressed. Having reviewed the Report and Recommendation and the Objections under a *de novo* standard, the Court finds that Hawes offers nothing in his Objections to call the Magistrate Judge's recommended disposition into question.

Accordingly, the Court **OVERRULES** Plaintiff's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DENIES** Hawes' Section 2254 Petition, **DENIES as moot** all pending Motions, **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal, and **DENIES** Hawes *in forma pauperis* status on appeal and a Certificate of Appealability.<sup>1</sup>

**SO ORDERED**, this 27th day of August, 2020.

A handwritten signature in blue ink, appearing to read "R. Stan Baker". The signature is written in a cursive style with a horizontal line underneath it.

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R. STAN BAKER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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<sup>1</sup> Petitioner has also filed a "Petition for Writ of Mandamus," (doc. 26), in which he requests that the United States Court of Appeals for the Eleventh Circuit order this Court to issue a report and recommendation and final order in this case. To the extent that Petitioner requested any relief of this Court through that filing, that request is denied as moot.