

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON

CIVIL ACTION NO. 11-422-JBC

CHARLES L. SIMPSON,

PLAINTIFF,

V.

MEMORANDUM OPINION AND ORDER

JAILER J. JONES, et al.,

DEFENDANTS.

* * * * *

Pending before the court is Charles Simpson's pro se petition for writ of habeas corpus (R.1), motion for writ "pre-exempting" a Commonwealth of Kentucky Woodford County indictment (R.11), and "Supplemental to Additional Pleadings & Motion of Pre-exemption of Woodford Co. Indictment" (R.15).¹ Having received no objection from Simpson, the court accepts the conclusions of the Magistrate Judge's Report and Recommendation (R.22). Accordingly,

IT IS ORDERED that:

(1) The Magistrate Judge's Report and Recommendation (R.22) is **ADOPTED** as the opinion of the court.

(2)The petition for writ of habeas corpus (R. 1) is **DENIED WITH PREJUDICE;**

(3) The motion for writ "pre-exempting" a Woodford County indictment (R.11) is **DENIED WITHOUT PREJUDICE;**

¹ Because Simpson is proceeding *pro se*, the court applies a less stringent standard than it would otherwise apply in reviewing the present petition. See *Cruz v. Beto*, 405 U.S. 319 (1972); *Haines v. Kerner*, 404 U.S. 519 (1972); *Malone v. Colyer*, 710 F.2d 258, 260 (6th Cir. 1983).

(4) The "Supplemental to Additional Pleadings & Motion of Pre-exemption of Woodford Co. Indictment" (R.15) is **GRANTED IN PART AND DENIED IN PART** as described in the Report and Recommendation;

(5) This court **WILL NOT ISSUE** a certificate of appealability, pursuant to 28 U.S.C § 2253(c), because no reasonable jurist would find the district court's assessment of the petitioner's constitutional claims debatable or wrong; and

(6) This matter is **STRICKEN** from the court's active docket.

Signed on September 7, 2012



Jennifer B. Coffman

JENNIFER B. COFFMAN, JUDGE
U.S. DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY