

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON

HUBERT RAY ARWOOD, JR.,)
) Civil No. 15-56-GFVT-EBA
Petitioner,)
)
V.) **ORDER**
)
RUSSELL D. ALDRED and)
COMMONWEALTH OF KENTUCKY,)
)
Respondents.)

*** **

This matter is before the Court pending review of the Report and Recommendation of United States Magistrate Edward B. Atkins [R. 11] filed herein on April 13, 2015. Consistent with local practice, the Report and Recommendation addresses Arwood’s writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Recommendation concludes that the Petitioner is not entitled to the relief sought. It also advises the parties that any objections must be filed within fourteen (14) days of service or waive the right to further appeal. [*Id.* at 3-4]. As of this date, neither party has filed objections or sought an extension of time to do so.

Generally, this Court must make a *de novo* determination of those portions of a recommended disposition to which objections are made. 28 U.S.C. § 636(b)(1)(c). When no objections are made, however, this Court is not required to “review . . . a magistrate’s factual or legal conclusions, under a *de novo* or any other standard . . .” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Parties who fail to object to a Magistrate’s report and recommendation are also barred from appealing a district court’s order adopting that report and recommendation. *United*

States v. Walters, 638 F.2d 947 (6th Cir. 1981). Nevertheless, this Court has examined the record, and it agrees with the Magistrate Judge's Recommended Disposition. Furthermore, the Court declines to issue a certificate of appealability. The Court determines that reasonable jurists would not find the denial of Arwood's § 2255 motion debatable. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Also pending is Arwood's motion to proceed in forma pauperis. [R. 3]. In compliance with Judge Atkins' order, [R. 9], Arwood has now paid the filing fee, [R. 10]. As such, his motion shall be denied as moot.

Accordingly, and the Court being sufficiently advised, it is hereby **ORDERED**:

1. The Magistrate's Recommended Disposition [R. 11] as to Hubert Ray Arwood, Jr. is **ADOPTED** as and for the Opinion of the Court;
2. Arwood's petition [R. 1] is **DENIED**;
3. A Certificate of Appealability is **DENIED**;
3. Arwood's motion to proceed in forma pauperis [R. 3] is **DENIED as moot**; and
4. **JUDGMENT** in favor of the Respondent will be entered contemporaneously herewith and this matter will be **STRICKEN** from the Court's active docket.

This 9th day of June, 2015.



Signed By:

Gregory F. Van Tatenhove 

United States District Judge