

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON**

Civil Action No. 17-352-HRW-CJS

NEWELL STACY,

PETITIONER,

v.

ORDER

KEVIN MAZZA, WARDEN,

RESPONDENT.

This matter is before the Court upon Newell Stacy's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The matter was referred to Magistrate Judge Candace J. Smith. Magistrate Judge Smith recommends that the petition be denied. [Docket No. 24].

In her Report, Magistrate Judge Smith directed Stacy to file any objections within fourteen (14) days after being served a copy of the Report and Recommendation. [Docket No. 24]. Instead, Stacy filed a Motion to Hold in Abeyance and/or Enlargement of Time to File Objections which asked this Court to hold this matter in abeyance while he pursues state court relief or to otherwise extend the time for him to file his objections to the Report and Recommendation to August 31, 2020. [Docket No. 26].

By Order entered on August 20, 2020, this Court overruled the motion, finding no justification to hold this matter in abeyance or extend the period of filing objections. [Docket No. 27]. Stacy has made no additional filings.

After carefully considering the record, the Court finds the Report and Recommendation well taken and shall adopt the same as and for its own opinion.

Accordingly, **IT IS HEREBY ORDERED:**

(1) that the Magistrate Judge's Report and Recommendation [Docket No. 24] is

hereby **APPROVED** and **ADOPTED** as and for the Court's opinion; and

- (2) Stacy's petition, including his requests therein for an evidentiary hearing and appointment of counsel be **DENIED**;
- (3) that this matter be **DISMISSED WITH PREJUDICE**; and
- (4) that no Certificate of Appealability will be granted.

This 2nd day of September 2020.



Signed By:

Henry R Wilhoit Jr. *HRW*

United States District Judge