

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION – AT LONDON

BRIAN KEITH DAMRELL,
Petitioner,

V.

JAMES DAVID GREEN, Warden,
Respondent.

CIVIL ACTION NO. 6:16-CV-161-KKC

ORDER

*** **

This matter is before the Court on petitioner Brian Keith Damrell's petition for a writ of habeas corpus (DE 1) under 28 U.S.C. § 2254 and the magistrate judge's recommendation that the petition be denied (DE 44).

After a jury trial, Damrell was convicted in Kentucky state court of operating an ATV on a public roadway, fleeing or evading police in the second degree, and manufacturing methamphetamine, second or subsequent offense. The state court sentenced him to 20 years in prison.

The magistrate judge has entered a recommendation that Damrell's petition for habeas relief in this Court be denied. The Court has granted Damrell multiple extensions of time to file objections. The most recent deadline imposed by the Court was January 6, 2020. Damrell did not file any objections. Further, the Court has reviewed the recommendation and agrees with its analysis and conclusions.

Accordingly, the Court hereby ORDERS as follows:

- 1) the Report and Recommendation (DE 44) is ADOPTED as the Court's opinion;
- 2) Damrell's petition for habeas relief under 28 U.S.C. § 2254 (DE 1) is DENIED;

- 3) a certificate of appealability will not be issued, Damrell having failed to make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2);
and
- 4) a judgment consistent with this order and the Report and Recommendation will be entered.

Dated January 17, 2020



Karen K. Caldwell
KAREN K. CALDWELL
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF KENTUCKY