

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
LONDON

KATHY LITTERAL, Warden,)	
)	
Plaintiff/Respondent,)	Civil No.: 6:18-cv-00173-GFVT-EBA
)	
V.)	
)	ORDER
JEREMY D. CARAWAY,)	
)	
Defendant/Petitioner.)	

*** **

This matter is before the Court on a Recommended Disposition filed by United States Magistrate Judge Edward B. Atkins. [R. 17.] Defendant Jeremy D. Caraway filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. [R. 1.] Consistent with local practice, Judge Atkins reviewed the motion and prepared a Recommended Disposition. [R. 17.] Mr. Caraway filed a Response to Judge Atkins Recommendation stating his objections. [R. 21.]

After considering the record, Judge Atkins determined that Mr. Caraway is not entitled to relief under 28 U.S.C. § 2254. Specifically, Judge Atkins found that Mr. Caraway could not establish that his counsel’s actions fell below professional standards, and therefore, his claims for ineffective assistance of counsel are without merit. [R. 17.] Furthermore, Judge Atkins found that Mr. Caraway’s argument that his counsel should have argued for a change of venue was never properly presented before the Kentucky state courts, and therefore could not be considered in this federal habeas proceeding. [R. 17 at 12; see *Wainwright v. Sykes*, 433 U.S. 72, 87 (1977).]

Under Federal Rule of Civil Procedure 72(b)(2), a petitioner has fourteen days after

service to register any objections to the Recommended Disposition or else waive his rights to appeal. In order to receive de novo review by this Court, any objection to the recommended disposition must be specific. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986). A specific objection must “explain and cite specific portions of the report which [defendant] deem[s] problematic.” *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (internal quotations and citations omitted). A general objection that fails to identify specific factual or legal issues from the recommendation, however, is not permitted, since it duplicates the Magistrate’s efforts and wastes judicial economy. *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). Mr. Caraway’s objections, even under the less stringent standard applied to pleadings made by pro se litigants, are not sufficiently specific to trigger de novo review. See *Pilgram v. Littlefield*, 92 F.3d 413, 416 (6th Cir. 1996); *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991). Rather than identifying those specific factual or legal issues, he reiterates the same arguments he presented in his initial petition. [Compare R. 1 with R. 21.] Even so, the Court has reviewed Judge Atkin’s Recommendations and agrees with his conclusions. Furthermore, the Court declines to issue a certificate of appealability. The Court determines that reasonable jurists would not find the denial of Mr. Caraway’s § 2254 motion debatable. See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

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

1. Defendant Jeremy D. Caraway’s Objections [**R. 21**] are **OVERRULED**;
2. Magistrate Judge Edward B. Atkins Report and Recommendation [**R. 17**] as to Defendant Jeremy D. Caraway is **ADOPTED** and for the Opinion of the Court;
3. Defendant Jeremy D. Caraway’s Petition for habeas corpus relief pursuant to §

2254 [R. 1] is **DENIED**;

4. A Certificate of Appealability is **DENIED** as to all issues raised by the Defendant; and

5. **JUDGMENT** in favor of the Respondent will be entered contemporaneously herewith.

This the 10th day of July, 2019.

The image shows a handwritten signature in black ink, which appears to read "Gregory F. Van Tatenhove". The signature is written over a circular official seal. The seal contains the text "UNITED STATES DISTRICT COURT" at the top and "WESTERN DISTRICT OF KENTUCKY" at the bottom. In the center of the seal is an eagle with its wings spread, perched on a shield.

Gregory F. Van Tatenhove
United States District Judge