

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

CUMMINGS

CIVIL ACTION

VERSUS

NUMBER: 11-687

JOHNSON

SECTION: "J"(5)

**ORDER**

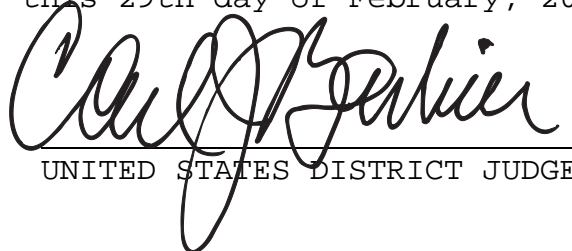
Before the Court is the petitioner, Gregory Cummings's, objection (Rec. Doc. 16) to the Magistrate Judge's Report and Recommendation (Rec. Doc. 15). The Court rejects the petitioner's re-urging of arguments properly rejected by the Magistrate Judge. The Magistrate Judge properly found that the state court's finding of constitutionally effective assistance of counsel was reasonable under Title 28 U.S.C. § 2254(d)(1). Moreover, the Magistrate Judge reached the correct result under § 2254(d)(2). Specifically, the state post-conviction court reasonably determined the facts in upholding the jury's conclusion that the connection between the cocaine rocks and the defendant was proven beyond a reasonable doubt. The petitioner adverts to a lab report, a police report, and police testimony for his assertion that numerous cocaine rocks seized at the crime scene did not match the two large rocks

introduced at trial. However, the state post-conviction court reasonably concluded that at trial a foundation was established connecting the physical evidence with the defendant.

The Court, having considered the petition, the record, the applicable law, and the Report and Recommendation of the United States Magistrate Judge; hereby overrules the petitioner's objection, approves the Report and Recommendation of the United States Magistrate Judge, and adopts it as the Court's opinion in this matter. Accordingly,

**IT IS ORDERED** that the petition of Gregory C. Cummings for issuance of a writ of habeas corpus under Title 28 U.S.C. § 2254, is hereby **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana, this 29th day of February, 2012.

  
UNITED STATES DISTRICT JUDGE