

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DONALD HOLTON (#96835)

CIVIL ACTION

VERSUS

BURL CAIN, ET AL.

NO.: 3:11-cv-00749-BAJ-RLB

RULING AND ORDER

Before the Court is Petitioner's **PETITION UNDER 28 USC § 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (Doc. 1)**. The Magistrate Judge has issued a **REPORT (Doc. 10)** recommending that Petitioner's application for habeas corpus relief be denied and, further, that the Court deny Petitioner a certificate of appealability, (*id.* at pp. 37–38). Petitioner filed timely objections to the Magistrate Judge's Report. (Doc. 11).

Having carefully considered Petitioner's **PETITION (Doc. 1)** and related filings—including Petitioner's objections<sup>1</sup>—the Court **APPROVES** the Magistrate Judge's **REPORT (Doc. 10)** and **ADOPTS** it as the Court's opinion in this matter. Accordingly, for the reasons explained in the Magistrate Judge's Report (Doc. 10),

**IT IS ORDERED** that Petitioner's **§ 2254 PETITION (Doc. 1)** is **DENIED**.

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<sup>1</sup> Petitioner's objections focus primarily on the Magistrate Judge's failure to grant an evidentiary hearing on his habeas petition. (*See* Doc. 11 at pp. 2–9, 10, 13, 14, 15). However, as acknowledged by Petitioner, a District Court is well-within its discretion to deny an evidentiary hearing on a habeas petition "if the factual allegations a petitioner seeks to prove at an evidentiary hearing would not satisfy [AEDPA's] standards." *Cullen v. Pinholster*, 131 S. Ct. 1388, 1414 (2011). Such is the case here, where "the evidence the petitioner seeks to present would [not] satisfy AEDPA's demanding standards," and a hearing "would needlessly prolong federal habeas proceedings." *Id.*

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED** because Petitioner has failed to “ma[ke] a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

Baton Rouge, Louisiana, this 8<sup>th</sup> day of July, 2014.

A handwritten signature in blue ink, appearing to read "Brian A. Jackson". The signature is fluid and cursive, with a long horizontal stroke at the end.

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**BRIAN A. JACKSON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**