

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

HOWARD L. JACKSON (#104336)

CIVIL ACTION

VERSUS

N. BURL CAIN, ET AL.

NO.: 12-00767-BAJ-RLB

RULING AND ORDER

Before the Court is Petitioner Howard L. Jackson's **Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. 1)**. The Magistrate Judge issued a **Report and Recommendation (Doc. 25)**,¹ recommending that the Court deny Petitioner's application for habeas corpus relief, and, further, that the Court deny Petitioner a certificate of appealability. Petitioner filed timely objections to the Magistrate Judge's Report. (Doc. 26).

Having carefully considered Petitioner's **Petition (Doc. 1)** and related filings—including Petitioner's objections—the Court **APPROVES** the Magistrate Judge's **Report and Recommendation (Doc. 25)** and **ADOPTS** it as the Court's opinion in this matter.

¹ On August 4, 2014, the Magistrate Judge issued an initial Report, which recommended that Petitioner's application for habeas corpus relief be denied as untimely. (Doc. 22). Upon review of the materials produced by Petitioner in support of his objections to the Magistrate Judge's initial Report, (Doc. 23), the Court was persuaded that "rare and exceptional circumstances" entitled Petitioner to equitable tolling and thus declined to adopt the Magistrate Judge's initial Report, (Doc. 24). The Court referred the Petition back to the Magistrate Judge for further analysis, the product of which is the instant Magistrate Judge's Report, issued November 17, 2014.

Accordingly, for the reasons explained in the Magistrate Judge's Report,

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

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 15th day of December, 2014.



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