

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CLARENCE MOTT

CIVIL ACTION

VERSUS

N. BURL CAIN, ET AL.

NO.: 13-00235-BAJ-RLB

RULING AND ORDER

Before the Court is Petitioner Clarence Mott's **Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §§ 2241 and 2254 (Doc. 1)**.¹ The Magistrate Judge issued a **Report and Recommendation (Doc. 17)**, recommending that the Court deny petitioner's application for habeas relief, and, further, that the Court deny Petitioner a certificate of appealability. Petitioner timely filed objections to the Magistrate Judge's Report. (Doc. 18).

Having carefully considered Petitioner's **Petition for Writ of Habeas Corpus (Doc. 1)** and related filings—including Petitioner's objections—the Court **APPROVES** the Magistrate Judge's **Report and Recommendation (Doc. 17)** and **ADOPTS** it as the Court's opinion in this matter.

¹ By correspondence dated April 23, 2013, the Court informed Petitioner that the pleadings accompanying the habeas corpus application were deficient. (*See* Doc. 3). Specifically, Petitioner failed to pay the Court's filing fee. The Court informed Petitioner that he had twenty-one (21) days from the date of the letter to either pay the filing fee or submit a Motion to Proceed In Forma Pauperis. (Doc. 3). The Court dismissed the proceeding after 21 days because it appeared that Petitioner failed to pay within the provided deadline. (Docs. 4 and 5). On June 11, 2013, Petitioner filed a motion to amend the original Petition and reinstate the proceeding. (Doc. 6). Specifically, Petitioner asserted that the Motion to Proceed In Forma Pauperis was timely filed but inadvertently returned by the Clerk of Court, and that the action was improperly dismissed. (Doc. 6). Upon reviewing the record, the Court granted Petitioner's motion (Doc. 7) and reinstated the original Petition (Doc. 1).

Accordingly, for the reasons explained in the Magistrate Judge's Report (Doc. 17),

IT IS ORDERED that Petitioner's **Petition for Writ of Habeas Corpus (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 20th day of September, 2016.

A handwritten signature in blue ink that reads "Brian A. Jackson". The signature is fluid and cursive, with the first name "Brian" and last name "Jackson" clearly legible.

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