

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

HENRY DAVIS, JR. (#222934)

CIVIL ACTION

VERSUS

N. BURL CAIN

NO.: 3:13-cv-00745-BAJ-RLB

RULING AND ORDER

Before the Court is Petitioner's **APPLICATION FOR WRIT OF MANDAMUS (Doc. 1)**. The Magistrate Judge has issued a **REPORT (Doc. 4)**, recommending that "Petitioner's Application for Writ of Mandamus be denied and that this action be dismissed," and, further, that the Court deny Petitioner a certificate of appealability, (*id.* at p. 8). Petitioner filed objections to the Magistrate Judge's Report. (Doc. 5).

Having carefully considered Petitioner's **APPLICATION (Doc. 1)** and related filings—including Petitioner's objections (Doc. 5)—the Court **APPROVES** the Magistrate Judge's **REPORT (Doc. 4)** and **ADOPTS** it as the Court's opinion in this matter.

Accordingly, for the reasons explained in the Magistrate Judge's Report (Doc. 4),

IT IS ORDERED that Petitioner's **APPLICATION FOR WRIT OF MANDAMUS (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).

IT IS FURTHER ORDERED that this action is **DISMISSED**.

Baton Rouge, Louisiana, this 18th day of September, 2014.



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