

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

RANDY C. MARSHALL
LA. DOC #539910
VS.

CIVIL ACTION NO. 5:12-cv-2914

SECTION P

JUDGE S. MAURICE HICKS

BURL CAIN, WARDEN

MAG. JUDGE KAREN L. HAYES

JUDGMENT

The Report and Recommendation of the Magistrate Judge [Record Document 40] having been considered, together with the written objections thereto filed with this Court, and, after a *de novo* review of the record, finding that the Magistrate Judge's Report and Recommendation is correct and that judgment as recommended therein is warranted,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Petitioner's Petition for Writ of *Habeas Corpus* under 28 U.S.C. § 2254 [Record Document 1] is hereby **DENIED and DISMISSED WITH PREJUDICE**. Petitioner's Motion for Stay of Proceedings [Record Document 43] is likewise **DENIED**.

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires the district court to issue or deny a certificate of appealability when it enters a final order adverse to the applicant. The Court, after considering the record in this case and the standard set forth in 28 U.S.C. Section 2253, denies a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

THUS DONE AND SIGNED this 25th day of February, 2014, in Shreveport, Louisiana.


S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE