

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

GARY A. BAILEY

CIVIL ACTION NO. 15-cv-0439

VERSUS

JUDGE WALTER

BURL CAIN, ET AL

MAGISTRATE JUDGE HORNSBY

J U D G M E N T

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein [Doc. #43], and having thoroughly reviewed the record, including the appeal of the magistrate judge decision [Doc. #49] to the extent it may be construed as written objections to the instant report, and concurring with the findings of the Magistrate Judge under the applicable law;


IT IS ORDERED that Petitioner's petition for writ of habeas corpus is **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.

To the extent Petitioner further challenges the separate order of the Magistrate Judge [Doc. #44] denying his motion to compel an evidentiary hearing, **IT IS FURTHER**

ORDERED that the decision of the Magistrate Judge is **AFFIRMED**; all requests for relief therefrom [Doc. #49] are hereby **DENIED**.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 26th day of March, 2018.


DONALD E. WALTER
UNITED STATES DISTRICT COURT