

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KENNETH J. ADAMS

PETITIONER

V.

NO. 4:16-CV-229-DMB-RP

WARDEN MARTIN FRINK

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

On October 5, 2017, United States Magistrate Judge Roy Percy issued a Report and Recommendation recommending that Kenneth J. Adams' 28 U.S.C. § 2254 petition for writ of habeas corpus "be denied for want of substantive merit." Doc. #14 at 5. The Report and Recommendation warned that failure to file written objections within fourteen days would limit review of the Report and Recommendation to plain error. *Id.* at 5–6. A copy of the Report and Recommendation was mailed to Adams at his address listed on the Court's docket. No objections to the Report and Recommendation have been filed.

Where objections to a report and recommendation have been filed, a court must conduct a *de novo* review of the report and recommendation to which objections have been specifically raised. *Gauthier v. Union Pac. R.R. Co.*, 644 F.Supp.2d 824, 828 (E.D. Tex. 2009). Where no objections have been raised, "the Court need only satisfy itself that there is no plain error on the face of the record." *Id.* (citing *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996)). Having reviewed the Report and Recommendation for plain error, and having found none, the Report and Recommendation [14] is **ADOPTED**. Adams' petition for a writ of habeas corpus [1] is **DENIED** and this action is **DISMISSED**.

This Court must "issue or deny a certificate of appealability when it enters a final order adverse to the applicant." Rule 11 of the Rules Governing Section 2254 Proceedings for the

United States District Courts. A certificate of appealability (“COA”) will issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). For cases rejected on their merits, a movant seeking a COA “must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Based on the *Slack* criteria, the Court finds that a COA should not issue in this case.

A final judgment consistent with this opinion will issue separately.

SO ORDERED, this 3rd day of January, 2018.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE