

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JHERASHIO RAMANDES HOSEY

PETITIONER

VERSUS

CIVIL ACTION NO. 1:12cv161HSO-RHW

PRESTON GOFF, JR.

RESPONDENT

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING PETITION FOR WRIT OF HABEAS CORPUS**

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Robert H. Walker [19] entered in this cause on March 11, 2013. The Court has thoroughly reviewed the findings in the Report and Recommendation, the record, and the positions advanced by the parties in the Petition and Response, and concludes that Hosey's Petition for Writ of Habeas Corpus [1] filed pursuant to 28 U.S. C. § 2254, lacks merit and should be denied.

To date, no formal objection to the Report and Recommendation has been filed by Petitioner.¹ Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review of it. See 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

¹ The Acknowledgment of Receipt [20] was filed on March 13, 2013, and reflects that the Report and Recommendation was signed for on March 3, 2013.

Having conducted the required review, the Court finds that the Magistrate Judge's Report and Recommendation thoroughly considered all issues and is neither clearly erroneous nor contrary to law. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that Hosey's Petition for Habeas Corpus Relief should be denied. Said Report and Recommendation should be adopted as the opinion of this Court.

The Court notes that on March 19, 2013, Petitioner filed a pleading styled as an "Application for Certificate of Appealability," requesting leave to appeal to the United States Court of Appeals for the Fifth Circuit. To the extent this pleading could be construed as an objection to the Report and Recommendation, Petitioner merely restates the arguments which were considered and rejected by the Magistrate Judge. Out of an abundance of caution, the Court has nonetheless conducted a *de novo* review of the record and remains of the opinion that the Report and Recommendation should be adopted as the opinion of the Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [19] of Magistrate Judge Robert H. Walker entered on March 11, 2013, is adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the Petition for Habeas Corpus [1] filed pursuant to 28 U.S.C. § 2254 is **DENIED**. A separate judgment will be entered in accordance with this order as required by Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 11th day of April, 2013.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE