UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DERRICK DOREAZ HOARD PETITIONER

VS. CIVIL ACTION NO. 3:21CV363TSL-MTP

LEE D. VANCE RESPONDENT

ORDER

This cause is before the court on the report and recommendation of Magistrate Judge Michael T. Parker entered on December 9, 2021, recommending that Hoard's § 2241 petition be dismissed.

Petitioner Derrick Doreaz Hoard has failed to respond and the time for doing so has expired. Having reviewed the report and recommendation, the court concludes that the report and recommendation is well taken and hereby adopts, as its own opinion, the magistrate judge's report and recommendation. Therefore, it is ordered that the report and recommendation of United States Magistrate Judge Michael T. Parker entered on December 9, 2021, be, and the same is hereby, adopted as the finding of this court. Accordingly, it is ordered that the petition is dismissed.

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Further, to obtain a certificate of appealability (COA), Hoard must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); see Miller-El v. Cockrell, 537 U.S. 322, 336 (2003). He may satisfy "this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." Miller-El, 537 U.S. at 327. When the court denies relief on procedural grounds, "a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000). Hoard has not satisfied this standard. Accordingly, a COA shall not issue in this case.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 11th day of January, 2022.

_/s/ Tom S. Lee_____
UNITED STATES DISTRICT JUDGE