

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CEDRIC D. RICE, )  
 )  
Petitioner, )  
 )  
vs. ) Case No. 4:11CV00319 SNLJ  
 )  
IAN WALLACE, et al., )  
 )  
Respondents. )

**MEMORANDUM AND ORDER**

This matter is before me on the petition for writ of habeas corpus filed by Petitioner Cedric D. Rice. I referred this matter to United States Magistrate Judge Thomas C. Mummert, for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On February 5, 2014, Judge Mummert filed his recommendation that Rice's habeas petition should be dismissed.

No objections to Judge Mummert's Report and Recommendation were filed. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Mummert and deny Rice's habeas petition for the reasons stated in the Report and Recommendation dated February 5, 2014. I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a Court could resolve the issues differently, or the issues deserve further proceedings. *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because Rice has not made such a showing in this case, I will not issue a certificate of appealability.

Accordingly,

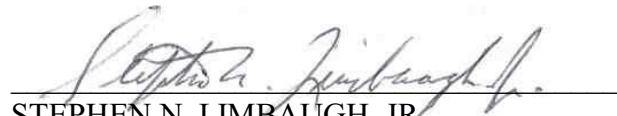
**IT IS HEREBY ORDERED** that Judge Mummet's Report and Recommendation, #41, filed on February 5, 2014 is adopted and sustained in its entirety.

**IT IS FURTHER ORDERED** that Petitioner Cedric D. Rice's Petition for Writ of Habeas Corpus, #1, is **DENIED**.

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 25th day of February, 2014.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE