

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 Mummert'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.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE