

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CRAIG ALLEN, )  
Petitioner, )  
vs. ) Case No. 4:13CV02329 SNLJ  
CINDY GRIFFITH, )  
Respondent. )

**MEMORANDUM AND ORDER**

This matter is before me on the petition for writ of habeas corpus filed by Petitioner Craig Allen. I referred this matter to United States Magistrate Judge Nannette A. Baker for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On March 8, 2017, Judge Baker filed her recommendation that Allen's habeas petition should be dismissed.

Objections to Judge Baker's Report and Recommendation were filed. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Baker and deny Allen's habeas petition for the reasons stated in the Report and Recommendation dated March 8, 2017. Petitioner's objections are overruled.

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 Allen has not made such a showing in this case, I will not issue a certificate of appealability.

Accordingly,

**IT IS HEREBY ORDERED** that Judge Baker's Report and Recommendation, #44, filed March 8, 2017 is adopted and sustained in its entirety.

**IT IS FURTHER ORDERED** that Petitioner'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 30<sup>th</sup> day of May, 2017.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE