

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES RASHEED,)
)
Petitioner,)
)
vs.) Case No. 4:14 CV 780 RWS
)
SCOTT LAWRENCE,)
)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 filed by James Rasheed. The Court 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 August 21, 2017, Judge Baker filed her Report and Recommendation that petitioner’s habeas petition should be denied. [12]. Petitioner filed objections to the Report and Recommendation which simply restate his underlying grounds for relief. I have conducted a de novo review of all matters relative to petitioner’s objections. After careful consideration, I will adopt and sustain Judge Baker’s thorough Report and Recommendation in its entirety as I agree with Judge Baker that petitioner is not entitled to relief for the reasons set out in the Report and Recommendation.

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 petitioner has not made such a showing, I will not issue a certificate of appealability.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on September 5, 2017, [12] 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



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 11th day of September, 2017.