

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JEREMY BEEDLE,)	
)	
Petitioner,)	
)	
v.)	No. 4:14CV02126
)	
JAY CASSADY,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation of the United States Magistrate Judge Noelle C. Collins [39], pursuant to 28 U.S.C. § 636(b)(1).

The Court notes no objections were filed to the Report and Recommendation within the time period afforded by 28 U.S.C. § 636(b)(1). The Eighth Circuit has held that it is reversible error for a district court to fail to conduct a de novo review of a magistrate judge's Report and Recommendation when such review is required. *See, e.g., United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003). The court reviews the unobjected-to portions of the proposed findings or recommendations for plain error. *See United States v. Rodriguez*, 484 F.3d 1006, 1010-11 (8th Cir. 2007) (noting that, where a party does not file objections to a magistrate's report and recommendation, the party waives the right to de novo review and the court will review the decision for plain error).

The Court has considered the Report and Recommendation, and hereby sustains, adopts, and incorporates herein the Magistrate’s Report and Recommendation in its entirety. The Magistrate’s decision denying Petitioner Jeremy Beedle’s Petition for Writ of Habeas Corpus [1] as moot and denying his Amended Petition for Writ of Habeas Corpus [4] and dismissing this

action is affirmed. Additionally, this Court finds Beedle has not made a substantial showing of the denial of a constitutional right, as is required before a certificate of appealability can issue, and therefore, this Court shall not issue a certificate of appealability as to any claims raised by Beedle. *See Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997).

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Noelle C. Collins [39] is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Petitioner Jeremy Beedle's Petition for Writ of Habeas Corpus [1] is **DENIED** as moot.

IT IS FURTHER ORDERED that Petitioner Jeremy Beedle's Amended Petition for Writ of Habeas Corpus [4] is **DENIED**, and this action is **DISMISSED**. The Court shall not issue a certificate of appealability as to any claim raised by Petitioner.

Dated this 26th Day of February, 2018.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE