

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

AUG - 1 2017

Clerk, U.S. District Court
District Of Montana
Billings

BOBBY JOE COOKSEY,

Petitioner,

vs.

LEROY KIRKEGARD, et al.,

Respondents.

CV 16-120-BLG-SPW

ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS

Petitioner Bobby Joe Cooksey, appearing pro se, seeks habeas corpus relief pursuant to 28 U.S.C. §2254. Cooksey challenges the fifty-year prison sentence he received for deliberate homicide in the Fourteenth Judicial District Court, Musselshell County, Montana. (Doc. 1).

Pending before the Court are United States Magistrate Judge Timothy Cavan's findings and recommendations on Cooksey's petition. (Doc. 15). Judge Cavan recommends this Court deny Cooksey's habeas petition on the merits. (Doc. 15 at 21). Specifically, Judge Cavan held: (1) Cooksey's *Brady* claim lacked merit; (2) Cooksey's *Strickland* claim lacked merit; and (3) Cooksey's final claim was not cognizable and otherwise lacked merit. (Doc. 15 at 12, 14, 19). Cooksey filed timely objections to the findings and recommendations, entitling him to de novo review. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(b)(3).

Discussion of Cooksey's objections is unnecessary because he presents the same arguments he presented in his habeas petition. The Court has reviewed de novo Cooksey's claims and Judge Cavan's findings and recommendations and agrees with Judge Cavan in full. Therefore, for the reasons stated in Judge Cavan's findings and recommendations,

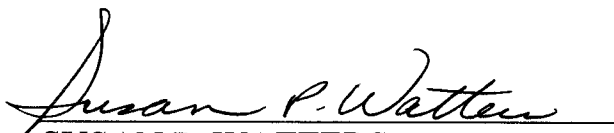
IT IS ORDERED the proposed findings and recommendations entered by United States Magistrate Judge Cavan (Doc. 15) are ADOPTED IN FULL.

IT IS FURTHER ORDERED Cooksey's petition (Doc. 1) is DENIED on the merits.

IT IS FURTHER ORDERED the Clerk of Court is directed to enter by separate document a judgment in favor of Respondents and against Petitioner.

IT IS FURTHER ORDERED a certificate of appealability is DENIED.

DATED this 1st day of ~~July~~^{Aug.}, 2017.


SUSAN P. WATTERS
United States District Judge