

IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROBY LEE PEGRAM,)	
)	
Petitioner,)	
)	
v.)	1:15CV96
)	
KEITH WHITENER,)	
)	
Respondent.)	

ORDER

On August 6, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 8, 9.) Petitioner timely filed objections (Doc. 10) to the Recommendation.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that Respondent's Motion to Dismiss (Doc. 4) is **GRANTED**, that Petitioner's Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. 1) is **DENIED**, and that this action is **DISMISSED**. A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a

constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 14th day of September, 2015.

William L. Ostrow, Jr.

United States District Judge