

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

MASON WHITE HYDE-EL,)	
)	
Petitioner,)	
)	
v.)	1:16CV1376
)	
KATIE POOLE,)	
)	
Respondent.)	

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on June 20, 2017, was served on the parties in this action. (ECF Nos. 17, 18.) Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge’s Recommendation to which objection was made and has made a *de novo* determination which is in accord with the Magistrate Judge’s Recommendation. The court therefore adopts the Magistrate Judge’s Recommendation.

IT IS THEREFORE ORDERED that Petitioner’s Omnibus Motion (ECF No. 10) is DENIED, Respondent’s Motion for Summary Judgment (ECF No. 5) is GRANTED, the Petition (ECF No 1), as amended, is DENIED, and that Judgment is entered dismissing this action. 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 26th day of July, 2017.

/s/ Loretta C. Biggs
United States District Judge