

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

YANCEY R. L. DOUGLAS,)
Petitioner,)
vs.) No. CIV-16-1454-C
JIM FARRIS, Warden)
Respondent.)

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner filed the present action pursuant to 28 U.S.C. § 2254 challenging the constitutionality of his state court convictions. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Suzanne Mitchell, who entered a Report and Recommendation (“R&R”) on July 27, 2017, recommending the Petition be denied. Petitioner has timely objected.

The substantive facts and law are accurately set out in Judge Mitchell’s R&R and there is no purpose to be served in repeating them yet again. However, the Court will address two points Petitioner raised in his Objection. First, Petitioner complains of the denial of his Motion to amend and requests that he be given additional time to retain counsel to assist him in this matter. As noted in the Court’s Order denying the request to amend, Petitioner has failed to offer any substantive argument outlining what he hopes to accomplish through amendment. He fails to offer any evidence or argument permitting the Court to conduct the analysis required to determine if his amendment would constitute a second or successive Petition. Likewise, he fails to offer any evidence or argument

explaining when he will retain counsel or what additional assistance counsel will provide. Thus, Petitioner has failed to demonstrate any valid grounds for amending or delaying disposition of his Petition. The second matter warranting discussion is Petitioner's arguments related to the Computer Assisted Dispatch Report ("CAD") and the news reports. Petitioner adds some explanation to his arguments on these issues. However, even with this amplification, Petitioner has still failed to demonstrate that the Oklahoma Court of Criminal Appeals' disposition of his claims was contrary to or an unreasonable application of clearly established law.

In sum, Petitioner has failed to demonstrate and cannot demonstrate that the matters he challenges in this habeas action were decided in a manner that was contrary to or an unreasonable application of Supreme Court law. Accordingly, habeas relief is not warranted.

As set forth more fully herein, the Court adopts, in full, the Report and Recommendation of the Magistrate Judge (Dkt. No. 20), and the petition for writ of habeas corpus is denied. A separate judgment will issue.

IT IS SO ORDERED this 29th day of September, 2017.


ROBIN J. CAUTHRON
United States District Judge