

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

EARL COOPER,	)	
	)	
Petitioner,	)	
	)	
-vs-	)	Case No. CIV-18-82-F
	)	
WARDEN BEAR, and STATE OF	)	
OKLAHOMA,	)	
	)	
Respondents.	)	

**ORDER**

On February 13, 2018, United States Magistrate Judge Bernard M. Jones issued a Report and Recommendation, recommending that petitioner, Earl Cooper’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 be summarily dismissed.

Presently before the court is petitioner’s objection to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1), the court has conducted a de novo review of the matter. Having done so, the court concurs with the analysis of Magistrate Judge Jones. The court need not repeat that analysis here. The court finds petitioner’s arguments to be without merit. Therefore, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Under Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, a “district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” In order to obtain a certificate of appealability, petitioner must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Petitioner satisfies this standard by demonstrating that jurists of reason could debate whether the petition

should have been resolved in a different manner or that the issues presented are adequate to deserve encouragement to proceed further. Slack v. McDaniel, 529 U.S. 473, 484 (2000). After considering the record, the court concludes that petitioner cannot make the required showing. Therefore, the court concludes that a certificate of appealability should be denied.

Based upon the foregoing, the Report and Recommendation issued by United States Magistrate Judge Bernard M. Jones on February 13, 2018 (doc. no. 8) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Petitioner, Earl Cooper's petition for a writ of habeas corpus under 28 U.S.C. § 2241 is summarily **DISMISSED**. A certificate of appealability is **DENIED**.

IT IS SO ORDERED this 2<sup>nd</sup> day of March, 2018.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE