

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Turuk Saunders, #199803,)
)
 Plaintiff,)
)
 v.)
 Warden, Broad River Correctional Instit.,)
)
)
 Respondent.)
 _____)

Case No 2:16-cv-1724-RMG

ORDER AND OPINION

Turuk Saunders (“Petitioner”), a state prisoner proceeding *pro se*, filed this action on May 27, 2016, seeking habeas relief under 28 U.S.C. § 2254. (Dkt. No. 1.) Respondent filed a motion for summary judgment on August 1, 2016. (Dkt. No. 8; Dkt. No. 9.) Petitioner filed a response in opposition to the motion for summary judgment, to which Respondent filed a reply. (Dkt. No. 20; Dkt. No. 21.) This matter is before the Court on the Report and Recommendation (“R. & R.”) of the Magistrate Judge to grant Respondent’s motion for summary judgment and deny the habeas petition. (Dkt. No. 22.)

No objections to the R. & R. have been filed. While this Court will conduct a *de novo* review of any portion of the R. & R. to which a specific objection is made, it appears Congress did not intend for the district court to review the factual and legal conclusions of the Magistrate absent objection by any party. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

A *de novo* review of the record indicates that the R. & R. accurately analyzes the facts of this case and the applicable law. Accordingly, this Court adopts the Magistrate’s R. & R. as the Order of this Court. Respondent’s motion for summary judgment is **GRANTED** and the habeas petition is **DISMISSED WITH PREJUDICE**.

Certificate of Appealability

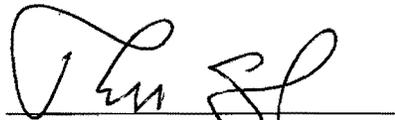
The governing law provides that:

(c)(2) A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.

(c)(3) The certificate of appealability . . . shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

28 U.S.C. § 2253(c). A prisoner satisfies the standard by demonstrating that reasonable jurists would find this court's assessment of his constitutional claims debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. *See Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683 (4th Cir. 2001). In this case, the legal standard for the issuance of a certificate of appealability has not been met. Therefore, a certificate of appealability is **DENIED**.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

February 22, 2017
Charleston, South Carolina