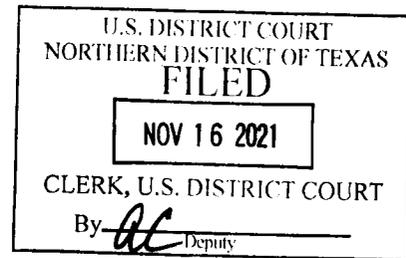


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



JAY ANTHONY NOTTINGHAM,

Petitioner,

v.

BOBBY LUMPKIN
Director, Texas Department of
Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:19-CV-95-Z-BQ

**ORDER ADOPTING RECOMMENDATION and
DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

After making an independent review of the pleadings, files, and records in this case, as well as the findings, conclusions, and recommendation (“FCR”) of the United States Magistrate Judge (ECF No. 35), the Court **FINDS** that the Magistrate Judge’s findings and conclusions are correct. The Court therefore **ORDERS** that the recommendation of the Magistrate Judge should be and is hereby **ADOPTED**, and the petition for a writ of habeas corpus is dismissed **WITH PREJUDICE** as moot.

Considering the record in this case and pursuant to Fed. R. App. P. 22(b), Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, and 28 U.S.C. § 2253(c), the Court **DENIES** a certificate of appealability. The Court **ADOPTS** and **INCORPORATES** by reference the Magistrate Judge’s FCR filed in this case in support of its finding that the Petitioner has failed to show that reasonable jurists would (1) find this Court’s “assessment of the constitutional claims debatable or wrong,” or (2) “find it debatable whether the petition states a

valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

If petitioner files a notice of appeal,

- () petitioner may proceed *in forma pauperis* on appeal. *See* Fed. R. App. P. 24(a)(3).
- (X) petitioner must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* on appeal.

SO ORDERED.

November 16, 2021.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE