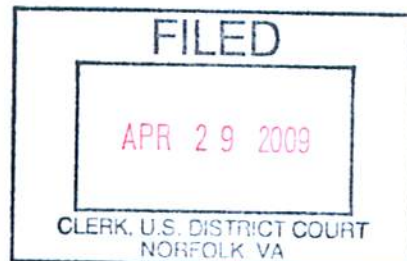


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



HOBART M. PARKER, #348528,

Petitioner,

v.

2:08CV542

GENE M. JOHNSON, Director of the
Virginia Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions on July 12, 2005, in the Circuit Court of Stafford County, Virginia, for rape, rape as a principal in the second degree, armed burglary, malicious wounding, wounding in the commission of a felony as principal in the second degree, and conspiracy. As a result of the convictions, petitioner was sentenced to serve eighty-one years in the Virginia penal system.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Magistrate Judge filed his report recommending dismissal of the petition on March 5, 2009. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court received from petitioner on March 16, 2009, objections to the report and recommendation, and on March 31, 2009, petitioner filed two documents, the first entitled "Motion to Dismiss the Recommendation of Magistrate Judge's [sic] and Respondent['s] Motion to

Dismiss" and the second entitled "Objection to Magistrate Judge's Report and Recommendation and Respondent['s] Motion to Dismiss." The documents will be considered by the Court as supplements to the objections filed March 16, 2009.

The Court, having reviewed the record and examined the objections filed by petitioner and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge. Therefore, it is ORDERED that the petition be DENIED and DISMISSED on the basis of petitioner's procedural defaults in the state system and on the merits and that judgment be entered in respondent's favor.

To the extent that petitioner objects to the Magistrate Judge's findings and recommendations, the objections are without merit. In the document filed March 16, 2009, petitioner raises no objections to the Magistrate Judge's report and recommendation but instead, re-argues the matters presented in his petition. The document is devoid of support as originally determined by the Magistrate Judge. In the documents filed March 31, 2009, petitioner essentially presents the same arguments, but again, there is no substance to support his claims.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment. Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right." Therefore, the Court, pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, declines to

issue a certificate of appealability. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to petitioner and to counsel of record for the respondent.



Robert G. DeLoach
Senior United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

April 29, 2009