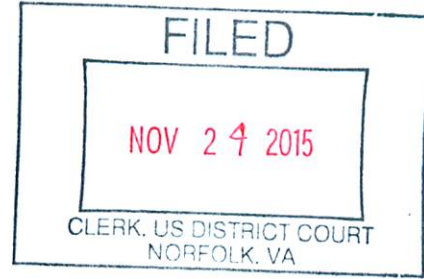


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



KEVIN P. RIVERA, #1156242, :
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 Petitioner, :
 :
 :
 v. : ACTION NO. 2:15cv143
 :
 :
 HAROLD W. CLARKE, Director, :
 Virginia Department of Corrections, et al. :
 :
 Respondents. :

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition asserts various challenges to petitioner's continued confinement, including the loss of good time credit, and the denial of credit for time allegedly spent while in custody awaiting trial.

The matter was referred to a United States Magistrate Judge for report and recommendation 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. The Report and Recommendation filed October 19, 2015 recommends dismissal of the petition as being time barred. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On November 3, 2015, the Court received petitioner's Objections to the Report and Recommendation. Respondents filed no response to the objections and the time for responding has now expired.

The Court, having reviewed the record and examined the objections filed by petitioner to the

Report and Recommendation, 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 and Recommendation filed October 19, 2015. It is, therefore, ORDERED that Respondents' Motion to Dismiss be GRANTED and the petitioner's petition be DENIED and DISMISSED with prejudice. It is further ORDERED that petitioner's Motion for Production (ECF No. 17) is DENIED and respondents' Motion to Substitute Attorney (ECF No. 18) is GRANTED.

Petitioner is hereby notified that he 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 (30) 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 declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk is directed to mail a copy of this Final Order to petitioner and provide an electronic copy of the Final Order to counsel of record for respondents.



RAYMOND A. JACKSON
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

 24, 2015