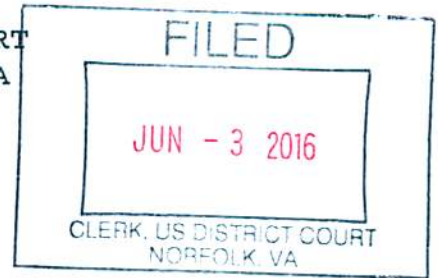


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



RALPH TAYLOR, JR., #1064683

Petitioner,

v.

ACTION NO. 2:15cv246

HAROLD CLARKE, 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, submitted by pro sé petitioner, Ralph Taylor, Jr. ("petitioner" or "Taylor"). The petition alleges violation of federal rights pertaining to petitioner's convictions in 2002 in the Circuit Court of Prince William County of four counts of use of a firearm during the commission of a felony, two counts of robbery, shooting into an occupied vehicle, aggravated malicious wounding and attempted capital murder. As a result of the convictions, Taylor was sentenced to serve a total of 138 years in prison, with 75 years suspended, resulting in a 63-year active sentence.

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 April 21, 2016 recommends granting Taylor's Motion to Amend (ECF No. 18), denying Taylor's Motion for Forensic Testing Experts (ECF No. 22), granting respondent's Motion to Dismiss (ECF No. 15), and denying and dismissing Taylor's petition with prejudice. The Report and Recommendation also recommended that Taylor's "Motion to Vacate" (ECF No. 24) be considered as an objection or appeal under Rule 72(a) of the Magistrate Judge's previous non-dispositive rulings on his Motion to Appoint Counsel (ECF No. 3), Motion for Discovery (ECF No. 4), and Motion for Evidentiary Hearing (ECF No 13). Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On May 2, 2016 the court received petitioner's Objections to the Report and Recommendation and on May 16, 2016 the court received petitioner's Supplemental Objections to the Report and Recommendation. The respondent filed no response to the objections and the time for responding has now expired.

The Court, having reviewed the record and examined all of 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 April 21, 2016. It is, therefore, ORDERED that Taylor's Motion to Amend (ECF No. 18) is GRANTED, Taylor's Motion for Forensic Testing Experts (ECF No. 22) and Motion to Vacate (ECF No. 24) are DENIED,

respondent's Motion to Dismiss (ECF No. 15) is GRANTED, and Taylor's petition is DENIED and DISMISSED with prejudice.

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 respondent.

/s/ 

MARK S. DAVIS
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

June 2, 2016