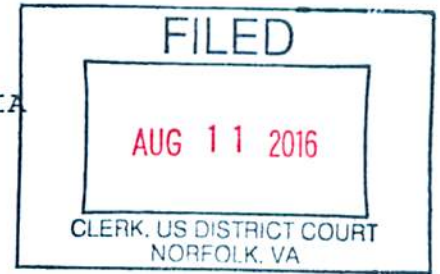


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



RALPH TAYLOR, JR., #1064683

Petitioner,

v.

ACTION NO. 2:15cv246

HAROLD CLARKE, Director
of the Virginia Department of Corrections,

Respondent.

FINAL ORDER

This matter is before the court on petitioner's motion to alter or amend the judgment dismissing his previous petition for habeas relief under 28 U.S.C. § 2254. (ECF No. 31). The motion sets forth additional arguments in support of his previous claim that petitioner's sentence is unconstitutional in light of the United States Supreme Court's holding that juvenile defendants may not be sentenced to life in prison without parole for non-homicide offenses. Graham v. Florida, 560 U.S. 48, 70 (2010).

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 July 1, 2016, recommends denying the motion to alter or amend judgment because Taylor was not sentenced to life in prison. In addition, his federal habeas

claim was filed more than one year after the rule in Graham was announced. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On July 12, 2016, the court received petitioner's Objections to the Report and Recommendation and on July 18, 2016 the court received petitioner's supplemental objections. The respondent 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 July 1, 2016. It is, therefore, ORDERED that petitioner's Motion to Alter or Amend Judgment (ECF No. 31) is DENIED.

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

MARK S. DAVIS
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

August 10, 2016