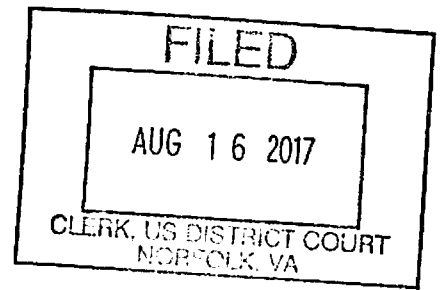


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



WILLIAM COLBORNE AMES, JR.,

Petitioner,

v.

ACTION NO. 2:16cv492

HAROLD W. CLARKE, Director,
Virginia Department of Corrections,

Respondent.

FINAL ORDER

Before the Court is a Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 and the Respondent's Motion to Dismiss the Petition. In his Petition, the *pro se* Petitioner alleges violations of his constitutional rights in relation to his conviction for Aggravated Malicious Wounding on March 8, 2013, in the Circuit Court for the City of Newport News, which resulted in a sentence of seventy-five (75) years in prison, with twenty years suspended.

The Petition 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 Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation filed April 13, 2017, recommends dismissal of the Petition with prejudice. On May 11, 2017, the Petitioner timely filed objections to the Report and Recommendation.¹ The Respondent has not responded to the Petitioner's objections and the time to do so has expired.

¹ The Report and Recommendation was returned to the Clerk's Office by Red Onion State Prison as undeliverable, even though it was mailed to Petitioner at Sussex II State Prison. ECF No. 15. The Clerk's Office resent the Report and Recommendation to Petitioner on April 28, 2017 and updated the deadline to respond to May 12, 2017.

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 April 13, 2016. It is, therefore, **ORDERED** that the Respondent's Motion to Dismiss, ECF No. 6, be **GRANTED**, and that the Petition, ECF No. 1, be **DENIED** and **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that judgment be entered in favor of the Respondent.

The 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 (30) days from the date of entry of such judgment.

The Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right, and 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, 537 U.S. 322, 335-36 (2003).

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

It is so **ORDERED**.



Arenda L. Wright Allen
United States District Judge

Arenda Wright Allen
United States District Judge

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August 16, 2017