15.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

FILED
DEC 21 2004
IN THE OFFICE
Clerk U. S. District Court
Greensboro, N. C.
By

FRIEL MONROE HAWKS,	)	
	)	
Petitioner,	)	
	)	
v.	)	**1:04CV00204**
	)	
DAVID MITCHELL,	)	
	)	
Respondent.	)	

O-R-D-E-R

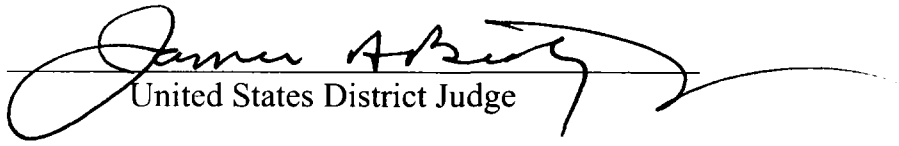
On September 27, 2004, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Petitioner's habeas corpus petition be **DENIED** and that this action be dismissed with prejudice. A judgment dismissing this action

will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.



United States District Judge

Date: 12-21-04