

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA, SAVANNAH DIVISION

Burriss v. Bond

Civil Action No. 4:25-cv-313 · No. 4:25-cv-00313 · Decided March 13, 2026

SUMMARY

The United States District Court for the Southern District of Georgia adopted the Magistrate Judge’s Report and Recommendation without objection and dismissed Michael Burriss’s petition. The court denied a certificate of appealability, denied in forma pauperis status on appeal, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia, Savannah Division
WRITING FOR THE COURT	R. Stan Baker
JURISDICTION	United States District Court for the Southern District of Georgia, Savannah Division
DECIDED	March 13, 2026
DOCKET	4:25-cv-00313
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed the Magistrate Judge's Report and Recommendation de novo, with no objections filed, adopted the recommendation, dismissed the habeas petition, denied a certificate of appealability, denied in forma pauperis status on appeal, and directed the Clerk to close the case.
STANDARD OF REVIEW	De novo review of the Magistrate Judge's Report and Recommendation.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether the Magistrate Judge's Report and Recommendation should be adopted after de novo review when no objections were filed.
2. Whether a certificate of appealability should issue.
3. Whether the petitioner should be permitted to proceed in forma pauperis on appeal.

HOLDINGS

1. The court adopted the Magistrate Judge's January 14, 2026 Report and Recommendation after de novo review and dismissed Burriss's petition.
2. No certificate of appealability should issue because the court discerned no COA-worthy issues at that stage of the litigation.
3. In forma pauperis status on appeal was denied because an appeal would not be taken in good faith.

FACTUAL BACKGROUND

The opinion contains no substantive factual discussion concerning the underlying habeas claims. The court considered the Magistrate Judge's Report and Recommendation and noted that no objections had been filed.

PROCEDURAL HISTORY

Petitioner Michael Burriss filed a federal habeas petition. The Magistrate Judge issued a January 14, 2026 Report and Recommendation, to which no objections were filed. The district court conducted a de novo review, adopted the Report and Recommendation, dismissed the petition, denied a certificate of appealability and in forma pauperis status on appeal, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Brown v. United States, 2009 WL 307872, at *1–2 (S.D. Ga. Feb. 9, 2009)
- Alexander v. Johnson, 211 F.3d 895, 898 (Sth Cir. 2000)

OPINION

Burriss

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MICHAEL BURRISS,
Petitioner, CIVIL ACTION NO.: 4:25-cv-313 v.
LT CMDR NICOLE BOND,
Respondent.

ORDER

Before the Court is the Magistrate Judge's January 14, 2026 Report and Recommendation, (doc. 5), to which no objections have been filed. After a careful de novo review, the Court agrees with the Magistrate Judge's recommendations. The Report and Recommendation is, therefore, ADOPTED. (Doc. 5.) Burriss' Petition is DISMISSED. (Doc. 1.) Applying the Certificate of Appealability (COA) standards, which are set forth in *Brown v. United States*, 2009 WL 307872 at * 1-2 (S.D. Ga. Feb. 9, 2009), the Court discerns no COA-worthy issues at this stage of the litigation, so no COA should issue. 28 U.S.C. § 2253(c)(1); see *Alexander v. Johnson*, 211 F.3d 895, 898 (Sth Cir. 2000) (approving sua sponte denial of COA before movant filed a notice of appeal). And, as there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. Thus, in forma pauperis status on appeal is likewise DENIED. 28 U.S.C. § 1915(a)(3). The Clerk is DIRECTED to CLOSE this case. SO ORDERED, this 13th day of March, 2026.

R.STAN BAKER, CHIEFJUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA