

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

Anthony Burnett v. Michael Graham, Warden

No. CV 125-256 (S.D. Ga. Jan. 2026) · No. CV 125-256 · Decided January 5, 2026

SUMMARY

The United States District Court for the Southern District of Georgia adopts the Magistrate Judge’s Report and Recommendation and dismisses Anthony Burnett’s petition under 28 U.S.C. § 2254. The court denies a certificate of appealability, determines that an appeal would not be taken in good faith, denies leave to appeal in forma pauperis, and closes the civil action.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia, Augusta Division
WRITING FOR THE COURT	J. Randal Hall
JURISDICTION	United States District Court for the Southern District of Georgia, Augusta Division
DECIDED	January 5, 2026
DOCKET	CV 125-256
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2254; the district court reviewed the Magistrate Judge's Report and Recommendation de novo, adopted it, dismissed the petition, denied a certificate of appealability, and denied leave to appeal in forma pauperis.
STANDARD OF REVIEW	De novo review of the file and the Magistrate Judge's Report and Recommendation.
PRECEDENTIAL VALUE	unpublished
PARTIES	Anthony Burnett v. Michael Graham, Warden

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 § 2254 petition should be dismissed for the reasons stated in the Magistrate Judge's Report and Recommendation.
2. Whether Burnett was entitled to a certificate of appealability.
3. Whether Burnett was entitled to proceed in forma pauperis on appeal.

HOLDINGS

1. The court adopted the Magistrate Judge's Report and Recommendation as its opinion and dismissed the § 2254 petition.
2. A certificate of appealability was denied because Burnett failed to make the requisite substantial showing of the denial of a constitutional right.
3. Burnett was not entitled to appeal in forma pauperis because the court determined that an appeal would not be taken in good faith.

KEY QUOTATIONS

“This Court should grant a COA only if the prisoner makes a “substantial showing of the denial of a constitutional right.””

“Moreover, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith, and Petitioner is not entitled to appeal in forma pauperis.”

FACTUAL BACKGROUND

Anthony Burnett sought federal habeas relief under 28 U.S.C. § 2254. The opinion does not describe the underlying conviction, sentence, or substantive grounds for relief because the court adopted the Magistrate Judge's Report and Recommendation and relied on the reasons stated there.

PROCEDURAL HISTORY

The Magistrate Judge issued a Report and Recommendation addressing Burnett's § 2254 petition. No objections were filed. After conducting a de novo review, the district court adopted the Report and Recommendation as its opinion, dismissed the petition, denied a certificate of appealability, ruled that an appeal would not be taken in good faith, denied in forma pauperis status for appeal, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Slack v. McDaniel, 529 U.S. 473, 482-84 (2000)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA AUGUSTA DIVISION ANTHONY BURNETT,) Petitioner, Vv. CV 125-256 MICHAEL GRAHAM, Warden, Respondent. ORDER After a careful, de novo review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed.

Accordingly, the Court ADOPTS the Report and Recommendation of the Magistrate Judge as its opinion and DISMISSES the petition, brought pursuant to 28 U.S.C. § 2254. Further, a prisoner seeking relief under § 2254 must obtain a certificate of appealability ("COA") before appealing the denial of his application for a writ of habeas corpus. This Court "must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." Rule 11(a) to the Rules Governing Section 2254 Proceedings.

This Court should grant a COA only if the prisoner makes a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). For the reasons set forth in the Report and Recommendation, and in consideration of the standards enunciated in Slack v. McDaniel, 529 U.S. 473, 482-84 (2000), Petitioner has failed to make the requisite showing.

Accordingly, the Court DENIES a COA in this case. Moreover, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith, and Petitioner is not entitled to appeal in forma pauperis. See 28 U.S.C. § 1915(a)(3). Upon the foregoing, the Court CLOSES this civil action. SO ORDERED this 5th day of January 2026, at Augusta, Georgia.

HONORABLE J. RANDAL HALL UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA □ □ □ the court denies a certificate, the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22." Rule 11(a) to the Rules Governing Section 2254 Proceedings.