

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**RONALD JAMES AMISON,**

**Petitioner,**

**v.**

**M. MARTIN, *Warden,***

**Respondent.**

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**Case No.: 2:18-cv-1595-MHH-JEO**

**MEMORANDUM OPINION**

On June 20, 2016, Mr. Amison filed a petition for writ of habeas corpus in the United States District Court for the Southern District of Mississippi seeking release from federal custody pursuant to 28 U.S.C. § 2241. (Doc. 1, pp. 1, 9).<sup>1</sup> Mr. Amison’s petition pertains to a federal sentence imposed in the Northern District of Alabama. (Doc. 1, p. 1). For the reasons set out in Judge Ott’s report and recommendation, on September 28, 2018, the federal court in Mississippi transferred Mr. Amison’s petition to this district. (Docs. 21-23).

Magistrate Judge Ott issued his report on October 2, 2018. In it, he recommended that this Court dismiss Mr. Amison’s petition without prejudice because Mr. Amison’s 2016 petition is his second in this district, and Mr. Amison did not receive permission from the Eleventh Circuit Court of Appeals before he

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<sup>1</sup> The Court treats June 20, 2016 as the filing date for the petition under the prison mail rule.

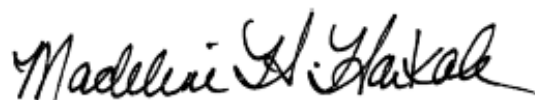
requested relief again in district court. Therefore, the district court for the Northern District of Alabama lacks jurisdiction over the 2016 petition under 28 U.S.C. § 2244(b)(3)(A). (Doc. 23, p. 4). Judge Ott gave Mr. Amison notice of his right to object. (Doc. 23, pp. 5-6). To date, Mr. Amison has not objected to the report and recommendation.

A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report *de novo* and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n. 9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

Based on its review of the record in this case, the Court finds no misstatements of law in the report and no error in the magistrate judge’s factual findings. Therefore, the Court adopts the magistrate judge’s report and accepts his recommendation.

The Court will issue a separate dismissal order consistent with this memorandum opinion.

**DONE** this 29th day of November, 2018.



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**MADELINE HUGHES HAIKALA**  
UNITED STATES DISTRICT JUDGE