

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED without prejudice, with refiling conditioned upon receipt by Williams of permission from the Fifth Circuit Court of Appeals to file a successive petition. He may not refile this petition until such permission has been obtained. It is further

ORDERED that the Petitioner Ivery Williams is hereby DENIED a certificate of appealability *sua sponte*. The denial of this certificate refers only to an appeal of this case, and neither the dismissal of this petition nor the denial of the certificate of appealability shall prevent Williams from seeking leave to file a successive petition. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this 7th day of December, 2009.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE