

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

DAVID MALONE,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 1:08-CV-508-TMH
)	
STATE OF ALABAMA, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

The Magistrate Judge filed a Recommendation (Doc. #15) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #15) of the Magistrate Judge is ADOPTED, and that the petition pursuant to 28 U.S.C. § 2254 is DISMISSED without prejudice, as it is a second or successive petition filed without the requisite order from the Eleventh Circuit Court of appeals authorizing this Court to consider such a successive habeas application.

An appropriate judgment will be entered.

Done this 9th day of September, 2008.

/s/ Truman M. Hobbs
UNITED STATES DISTRICT JUDGE