

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

RALPH WILSON LINGO, #190083,)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 1:09cv1109-WHA
)	
UNITED STATES OF AMERICA,)	(WO)
)	
Respondent.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #2) entered on December 16, 2009, and Petitioner’s Objections (Docs. #3 and 4), filed on January 14, 2010.

Upon an independent evaluation and *de novo* review of this case, the court finds the objections to be without merit, and they are hereby overruled. The court adopts the Recommendation of the Magistrate Judge, and it is hereby

ORDERED that this 28 U.S.C. § 2255 motion is DENIED, and this case is DISMISSED for lack of jurisdiction, since the Petitioner did not obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing this court to consider a successive motion before he filed this action.

DONE this 21st day January, 2010.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE