

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

RICKY RANDALL REX SMITH,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 1:15-CV-521-WKW
)	
UNITED STATES OF)	
AMERICA,)	
)	
Respondent.)	

ORDER

On August 12, 2015, the Magistrate Judge filed a Recommendation (Doc. # 3) in this case to which no timely objections have been filed. In the Recommendation, the Magistrate Judge found that this is the second 28 U.S.C. § 2255 motion that Petitioner Smith has filed attacking the convictions and sentence obtained in Criminal Case No. 1:07cr183-WKW. Petitioner Smith failed to receive the requisite certification from the Eleventh Circuit Court of Appeals authorizing this court to consider a successive § 2255 motion. Since Smith has failed to obtain permission from the appellate court, this court lacks jurisdiction to consider the merits of the instant motion.

Upon an independent review of the file in this case and upon consideration of the Recommendation, it is ORDERED that the Recommendation is ADOPTED, and that this case is DISMISSED without prejudice.

A separate final judgment will be entered.

DONE this 4th day of September, 2015.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE