

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

BRADLEY JOSEPH STEIGER,)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 2:09cv295-WHA
)	
UNITED STATES OF AMERICA,)	(WO)
)	
Respondent.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #16) and the Petitioner’s Objections thereto (Doc. #23). The court has carefully reviewed the Petitioner’s objections and the file in this case, and having done so, finds that the objections are without merit.

On May 10, 2004, the Petitioner filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. Case No. 2:04-cv-455. That case ended in a Final Judgment against the Petitioner and in favor of the United States of America (Doc. #52), the Eleventh Circuit Court of Appeals denied his Motion for Certificate of Appealability on July 13, 2007 (Doc. #63).

The petition filed in this case by the *pro se* Petitioner is called by him a “Motion for Relief Pursuant to Civil Rule 60(b).” The court agrees with the conclusion of the Magistrate Judge that the Petitioner has not established entitlement to any relief under that Rule, and that Steiger’s self-styled Rule 60(b) motion is properly construed as a successive § 2255 motion.

Therefore, the Petitioner's objections are overruled, the court adopts the Recommendation of the Magistrate Judge, and it is hereby

ORDERED that this § 2255 motion is DENIED, and this case is DISMISSED, for the reason that the Petitioner has failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing this court to consider a successive § 2255 motion.

DONE this 15th day July, 2010.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON

SENIOR UNITED STATES DISTRICT JUDGE