

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

DAVID CALHOUN, #158430,)	
)	
Petitioner,)	
v.)	CASE NO. 2:09-cv-0356-TMH
)	
LEON FORNISS, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

- (1) The petitioner's Objection to the Magistrate Judge Recommendation (Doc. #10) filed on May 28, 2009 is overruled;
- (2) The Recommendation of the United States Magistrate Judge (Doc. #9) entered on May 19, 2009 is adopted;
- (3) The 28 U.S.C. § 2254 petition for habeas corpus relief filed by Calhoun on April 6, 2009 is DENIED.
- (4) This cause of action is DISMISSED in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A), as Calhoun has failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing a federal district court to consider his successive habeas application.

DONE this the 22nd day of June, 2009.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE