Simmons v. Cummins et al (INMATE1) Doc. 7

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

DALLAS LEVON SIMMONS, #180081,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO. 2:10cv28-ID
	)	(WO)
JOHN CUMMINS, *et al.*,	)	
	)	
Respondents.	)	

OPINION and ORDER

On January 15, 2010, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 6). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge and the petitioner's objections, it is

ORDERED that the Recommendation be and is hereby ADOPTED, the petition for writ of habeas corpus filed by Simmons on October 28, 2009, be and is hereby DENIED, and the petition be and is hereby DISMISSED in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A) as Simmons has failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing this court to consider his successive habeas application.

Done this 17th day of February, 2010.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE

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