

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

TONEY DEANGELO TUCK, #186423,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO. 2:11cv106-ID
	)	(WO)
GARY HETZEL, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**OPINION and ORDER**

On February 24, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. No. 4). 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 Tuck on February 9, 2011, 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 Tuck 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 21<sup>st</sup> day of March, 2011.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE