Calhoun v. Forniss, et al (INMATE 3) Doc. 8

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

| | | |
|---|---|---|
| DAVID CALHOUN, 3158430, | ) | |
| | ) | |
| Petitioner, | ) | |
| v. | ) | CASE NO. 2:11-cv-0725-TMH |
| | ) | WO |
| LEON FORNISS, *et al.,* | ) | |
| | ) | |
| Respondents. | ) | |

# O R D E R

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

1. The petitioner's objection (Doc. #7 ) to the Recommendation of the Magistrate Judge filed on October 12, 2011 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #6) filed on September 26, 2011 is adopted;

3. The 28 U.S.C. § 2254 petition for habeas corpus relief filed by Calhoun is DENIED and this cause of action is DISMISSED in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A), because 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 19th day of October, 2011.

/s/ Truman M. Hobbs
SENIOR UNITED STATES DISTRICT JUDGE

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