

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

CALVIN MAYS, JR., #150299,)	
)	
Petitioner,)	
v.)	CASE NO. 2:12-cv-0426-TMH
)	(WO)
BOBBY BARRETT, <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 (Doc. #8) to the Recommendation of the Magistrate Judge filed on June 26, 2012 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #7) filed on June 15, 2012 is adopted;

3. The 28 U.S.C. § 2254 petition for habeas corpus relief filed by Calvin Mays, Jr. on May 10, 2012 is DENIED.

4. This cause of action is DISMISSED in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A) as Mays has failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing this court to consider his successive habeas application.¹

¹ The court notes that any habeas claims the petitioner seeks to present would again be subject to the one-year period of limitation contained in 28 U.S.C. § 2244(d)(1). Moreover, the court finds that there are no circumstances present in this case which “entitle [Mays] in the interest of justice to transfer [pursuant to 28 U.S.C. § 1631] or stay ... because the limitations period had already expired before he

DONE this the 10th day of August, 2012.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE

filed” the instant habeas action. *Guenther v. Holt*, 173 F.3d 1328, 1330-1331 (11th Cir. 1999).