

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

JOSEPH KENNEDY,)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 2:12cv582-WHA
)	
UNITED STATES OF AMERICA,)	(WO)
)	
Respondent.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #3), entered on August 7, 2012, together with the Petitioner’s Objections (Doc. #6), filed on August 24, 2012.

This is the third 28 U.S.C. § 2255 motion filed by Joseph Kennedy challenging his 240-month sentence imposed on him in 2005. As noted by the Magistrate Judge, the first petition was filed in 2006, denied as time-barred, and dismissed with prejudice. The second motion was filed on January 21, 2012, in Civil Action 2:12cv073-WHA, in which the Magistrate Judge recommended dismissal for failure to obtain the requisite authorization from the Eleventh Circuit Court of Appeals to file a successive petition. This court adopted that Recommendation and dismissed that action by separate order and judgment entered on this day. This is the third petition.

Following an independent evaluation and *de novo* review of this case, the court agrees with the finding of the Magistrate Judge that this is a successive petition, and finds that the Petitioner’s objections are without merit. Therefore, the objections are OVERRULED, the court

ADOPTS the Recommendation of the Magistrate Judge, and it is hereby

ORDERED that this § 2255 motion is DENIED, and this case is DISMISSED for failure to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing the court to consider a successive § 2255 motion.

DONE this 19th day of September, 2012.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON

SENIOR UNITED STATES DISTRICT JUDGE