

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

EUGENE LAMAR PENDLETON,	)	
	)	
Petitioner,	)	
	)	CIVIL ACTION NO.
v.	)	2:12cv1058-MHT
	)	(WO)
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

OPINION

Pursuant to 28 U.S.C. § 2255, petitioner filed this habeas-corpus case, and the court denied relief. See Judgment (Doc. 55). Petitioner then filed the pending "Motion to Reopen a Prior Judgment" (Doc. 76).

This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that petitioner's motion be dismissed for lack of jurisdiction because it constitutes a successive § 2255 motion filed without the required appellate court authorization; or alternatively, if the motion is deemed a bona fide motion for relief under Federal Rule of Civil Procedure 60, that it be denied for lack of

merit. There are no objections to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

An appropriate judgment will be entered.

DONE, this the 29th day of February, 2024.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE