

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

JOHNNY RAY ROBERTS,	)	
	)	
Petitioner,	)	
v.	)	CASE NO. 2:13-cv-482-TMH
	)	[WO]
CAROLYN BOOTHE, Administrator of	)	
the Estate of Russell K. Adams, Shelby	)	
County, Alabama,	)	
	)	
Respondent.	)	

**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. #10) filed on August 22, 2013 to the Recommendation of the Magistrate Judge filed on is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #8) entered on August 19, 2013 is adopted; and
3. This case is TRANSFERRED to the United States District Court for the Northern District of Alabama in accordance with the provisions of 28 U.S.C. § 2241(d).<sup>1</sup>

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<sup>1</sup> In transferring this case, no determination is made with respect to the merits of the petitioner's claims for relief nor whether a federal district court has jurisdiction to consider the petition as to those claims properly raised in a habeas action as such issues are best addressed by the United States District Court for the Northern District of Alabama. *See Gilreath v. State Board of Pardons and Paroles*, 273 F.3d 932, 933 (11th Cir. 2001) (If petitioner files "second [or other successive] habeas corpus petition and ... had no permission from [the Eleventh Circuit] to file [such] habeas petition, ... the district court lack[s] jurisdiction to grant the requested relief.")

Done, this 30th day of September 2013.

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