

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

DANIEL LAMAR HATCHER,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

CASE NO. 2:14-CV-880-WKW
[WO]

ORDER

On March 13, 2017, the Magistrate Judge filed a Recommendation (Doc. # 33) to which Petitioner Daniel Hatcher timely objected (Doc. # 40). Upon an independent and *de novo* review of the record and Recommendation, *see* 28 U.S.C. § 636(b), and upon due consideration of Petitioner’s objections, the Recommendation is due to be adopted.

Hatcher’s objections raise two arguments. The first is an access-to-courts argument that this court already rejected in a separate case. *See Hatcher v. Carter*, No. 2:16-cv-687-WKW (M.D. Ala. Apr. 24, 2017) (rejecting as time-barred an identical argument, raised in a *Bivens* action). Petitioner asserts no new reason to find the argument meritorious. As goes the familiar legal aphorism, litigants get only one bite at the apple. Thus, Hatcher’s first objection fails.

Hatcher's second objection also is meritless. Acting *pro se*, Petitioner asserts "that this is a[n] article IV court," adding that, in determining Petitioner's case, the court exceeded "its territorial article IV jurisdiction" and thus "committed FRAUD and TREASON." (Doc. # 40.) Petitioner is wrong. Article III of the United States Constitution vests the "judicial power of the United States" in the Supreme Court "and in such inferior courts as the Congress may from time to time ordain and establish." U.S. Const. art III, § 1. This is one such court. *See* 28 U.S.C. §§ 81, 132.

Petitioner's other arguments are not responsive to the Recommendation, and, in any event, the Recommendation's conclusions are correct. Accordingly, it is ORDERED that:

1. Hatcher's objections (Doc. # 40) are OVERRULED;
2. The Recommendation (Doc. # 33) is ADOPTED;
3. Hatcher's 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence (Doc. # 1) is DENIED; and
4. This case is DISMISSED with prejudice.

A final judgment will be entered separately.

DONE this 10th day of May, 2017.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE