

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

DANIEL LAMAR HATCHER,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 2:14-CV-880-WKW
)	[WO]
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On August 5, 2019, the Magistrate Judge filed a Recommendation. (Doc. # 58.) Petitioner was granted an extension of time to file objections to the Recommendation. (Doc. # 60.) On September 16, 2019, Petitioner’s motion, which is styled, “Traverse Motion to Government’s Response,” was docketed. (Doc. # 61.) This motion will be construed as an objection to the Recommendation.

In his objection, however, Petitioner does not refute the Magistrate Judge’s proposed findings and recommendations. He does not address the proposed finding that subject-matter jurisdiction is lacking because his “motion to submit newly discovered evidence” amounts to a successive 28 U.S.C. § 2255 motion for which he “has not obtained the required authorization from the appellate court.” (Doc. # 58, at 3.) Notwithstanding Petitioner’s failure to “specifically identify the factual findings or legal conclusions in the Recommendation” to which he objects (Doc.

58, at 4), the court has reviewed the Recommendation *de novo* review and concurs with its proposed findings and recommendations. Accordingly, it is ORDERED as follows:

- (1) Petitioner's objection (Doc. # 61) is OVERRULED;
- (2) The Recommendation (Doc. # 58) is ADOPTED; and
- (3) This action is DISMISSED without prejudice for lack of subject-matter jurisdiction.

Final judgment will be entered separately. Petitioner is not required to obtain a certificate of appealability to appeal this court's judgment, should he desire to do so, because it is not "a final order in a habeas corpus proceeding" within the meaning of 28 U.S.C. § 2253(c). *Hubbard v. Campbell*, 379 F.3d 1245, 1247 (11th Cir. 2004) (quoting § 2253(c)).

DONE this 23rd day of September, 2019.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE