

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

CHRISTOPHER CHAPPELL,)
)
 Plaintiff,)
)
 v.) CIVIL ACTION NO. 2:16cv71-WHA
)
 LEEPOSEY DANIELS, etc., et. al,) (wo)
)
 Defendants.)

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #8) and the Objections filed by the Petitioner (Doc. #9). Upon an independent evaluation and *de novo* review of the file in this case the court finds the Objections to be without merit.

In his Objections, Chappell presents no arguments regarding the successiveness of his petition or his failure to obtain Eleventh Circuit permission to file a successive § 2254 petition. Instead, he mostly reargues the merits of his claim regarding the severity of his sentence. In this regard, he argues that his life sentence, coupled with the patrol board's repeated denials of his parole applications, amounts to a life-without-parole sentence, which he says is therefore subject to *Miller v. Alabama*, 132 S.Ct. 2455 (2012), which holds that juveniles mandatorily sentenced to life without parole are entitled to individualized sentencing determinations that take into account factors including the offender's age at the time of the offense. The two issues with Chappell's arguments are that (1) regardless of whether his parole applications have been denied, he was not sentenced to life without parole, which what *Miller* addresses, and (2) he has not obtained Eleventh Circuit permission to file a successive §2254 petition.

Accordingly, it is hereby ORDERED as follows:

1. The Objection are OVERRULED.
2. The court adopts the Recommendation of the Magistrate Judge.
3. The successive habeas corpus petition is DENIED and this case is DISMISSED because the Petitioner has failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing this court to consider it.

Done this 18th day of January, 2017.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE