

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

TONY JAMES LEFLORE,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 2:17-CV-393-WKW
)	[WO]
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On February 8, 2023, the Magistrate Judge filed a Recommendation (Doc. # 86) to which Petitioner filed an objection (Doc. # 87). The objection does not call into question the Recommendation’s proposed finding that Petitioner’s Rule 60(b) motion is a disguised, successive 28 U.S.C. § 2255 motion, which he filed without the required appellate court authorization. Based upon a *de novo* review of the record, it is ORDERED as follows:

- (1) Petitioner’s objection (Doc. # 87) is OVERRULED;
- (2) The Recommendation (Doc. # 86) is ADOPTED;
- (3) The motion (Doc. # 75) is DISMISSED without prejudice for lack of subject matter jurisdiction; and
- (4) This case remains closed.

Final judgment will be entered separately. Petitioner is not required to obtain a certificate of appealability to appeal the final 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 7th day of March, 2023.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE