

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

ROBERT L. MCCRAY, #167644)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 3:09CV659-ID
)	
JOHN CUMMINS, WARDEN, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER AND OPINION

On August 17, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. No. 15). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. Petitioner’s habeas claims are DISMISSED in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A) to the extent they challenge petitioner’s 1992 convictions for second degree kidnaping and second degree assault, as he has failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing a federal district court to consider his successive habeas application.
2. This case is referred back to the Magistrate Judge for further proceedings.

Done this the 12th day of November, 2009.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE