

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

CHESTER LEON WHITLEY, #128332,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO. 3:11cv396-TMH
	)	(WO)
TONY PATTERSON, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**OPINION and ORDER**

On June 23, 2011, the Magistrate Judge filed a Recommendation in this case recommending that the petition of habeas corpus relief filed pursuant to 28 U.S.C. § 2254 be dismissed as the Petitioner failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing a federal district court to consider his successive habeas application. (Doc. # 5). 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, that the petition for habeas corpus relief be and is hereby DENIED, and that this case be and is hereby DISMISSED in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A).

Done this 9<sup>th</sup> day of August, 2011.

/s/ Truman M. Hobbs

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TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE