

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

ZEBEDEE HAYES, #119920,	)	
	)	
Petitioner,	)	
v.	)	CASE NO. 3:12-cv-0653-TMH
	)	WO
CARTER F. DAVENPORT, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The petitioner's objection (Doc. #7) to the Recommendation of the Magistrate Judge filed on September 10, 2012 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #4) filed on August 13, 2012 is adopted;
3. The 28 U.S.C. § 2254 petition for habeas corpus relief filed by Zebedee Hayes on July 23, 2012 is DENIED.
4. This cause of action is DISMISSED in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A) as Hayes has failed to obtain the requisite order from the Eleventh Circuit

Court of Appeals authorizing this Court to consider his successive habeas application.<sup>1</sup>

DONE this the 14th day of September, 2012.

/s/ Truman M. Hobbs  
TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The court notes that any habeas claims the petitioner seeks to present are likewise subject to the one-year period of limitation contained in 28 U.S.C. § 2244(d)(1). Moreover, the court finds that there are no circumstances present in this case which “entitle [Hayes] in the interest of justice to transfer [pursuant to 28 U.S.C. § 1631] or stay ... because the limitations period had already expired before he filed” the instant habeas action. *Guenther v. Holt*, 173 F.3d 1328, 1330-1331 (11th Cir. 1999).