Sunday v. Jones, et al (INMATE 3) Doc. 11

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

TIMOTHY LEE SUNDAY, #213453,	)	
	)	
Petitioner,	)	
v.	)	CASE NO. 3:12-cv-0999-TMH
	)	WO
KENNETH JONES, *et al.*,	)	
	)	
Respondents.	)	

O R D E R

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

1. The petitioner's objection (Doc. #10) to the Recommendation of the Magistrate Judge filed on February 25, 2013 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #9) filed on February 4, 2013 is adopted;

3. The 28 U.S.C. § 2254 petition for habeas corpus relief (styled by Sunday as a "Mandamus, Appeal, Motion for Appropriate Relief"), Doc. #1, is DENIED.

4. This cause of action is DISMISSED in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A), as Sunday has failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing this court to consider his successive habeas application.

DONE this the 15th day of March, 2013.

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

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