

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

LARRY THOMAS,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No: CV 12-S-2944-E
)	
WARDEN PRICE, Warden, and the)	
ATTORNEY GENERAL OF THE)	
STATE OF ALABAMA)	
)	
Respondents.)	

MEMORANDUM OPINION

This is a habeas corpus case brought pursuant to 28 U.S.C. § 2254 by an Alabama state prisoner, Larry Thomas, *pro se*. (Doc. 1). Thomas is currently serving a life sentence without parole, imposed upon his conviction for first degree robbery in the Circuit Court of Calhoun County, Alabama, in April 2000. On September 17, 2012, the magistrate judge entered an order requiring the petitioner to show cause why this action is not due to be dismissed for lack of jurisdiction as successive under 28 U.S.C. § 2244(b)(3). (Doc. 4). After Thomas filed a response (Doc. 5), the magistrate judge entered a report and recommendation pursuant to 28 U.S.C. § 636(b) recommending that this action is indeed due to be dismissed as successive. (Doc. 6). The magistrate judge’s report advised Thomas that he might file objections thereto

within 14 days, but no objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation of the magistrate judge, the court is of the opinion that the magistrate judge's findings are due to be, and they hereby are, ADOPTED, and his recommendation is ACCEPTED. Consequently, the petition is due to be DISMISSED without prejudice for lack of jurisdiction under 28 U.S.C. § 2244(b)(3). A separate final judgment will be entered.

DONE this 19th day of November, 2012.

A handwritten signature in black ink, reading "Lynwood Smith". The signature is written in a cursive style with a large initial "L".

United States District Judge