

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

**HARVEY J. TRANTHAM,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** )  
 )  
 **STATE OF ALABAMA, et al.,** )  
 )  
 **Respondents.** )

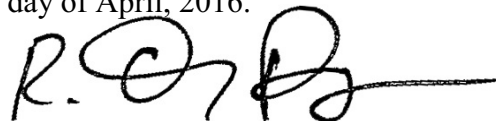
**Case No.: 1:16-cv-0537-RDP-JEO**

**MEMORANDUM OPINION**

This is an action on a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by Harvey J. Trantham (“Petitioner”), an Alabama state prisoner acting *pro se*. The Magistrate Judge to whom the case was referred for preliminary review has entered a Report and Recommendation pursuant to 28 U.S.C. § 636(b) that recommends that habeas relief be denied because Petitioner’s habeas claims are barred as being successive since there is no permission to proceed from the Eleventh Circuit Court of Appeals. 28 U.S.C. § 2244(b)(3). (Doc. 9). No objections to the Report and Recommendation have been filed, and the time prescribed for doing so has expired.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Magistrate Judge’s Report and Recommendation, the court is of the opinion that the Magistrate Judge’s findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, the petition for a writ of habeas corpus is due to be denied and this action is due to be dismissed without prejudice. Further, the court concludes that the petition does not present issues that are debatable among jurists of reason, so a certificate of appealability is also due to be denied. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000); Rule 11(a), RULES GOVERNING § 2254 PROCEEDINGS. A separate Final Judgment will be entered.

**DONE and ORDERED** this 26th day of April, 2016.

A handwritten signature in black ink, appearing to read "R. David Proctor", written over a horizontal line.

**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE