

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

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|------------------------------|---|---------------------------------|
| KEVIN LEROY LEES, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No.: 1:17-cv-01844-AKK-HNJ |
| |) | |
| WARDEN TALLADEGA FCI, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM OPINION

This action proceeds on a petition for a writ of habeas corpus filed by Kevin Leroy Lees, *pro se*, pursuant to 28 U.S.C. § 2241. Doc. 1. Lees challenges the validity of his 2011 conviction and resulting sentence in the United States District Court for the Western District of Oklahoma. On August 27, 2018, the magistrate judge entered a report and recommendation finding the petition proceeds properly under 28 U.S.C. § 2255, rather than § 2241. Doc. 13. Because Lees previously filed a § 2255 petition, the magistrate judge concluded § 2255 renders the petition at bar improperly successive, and thus, subject to denial. *Id.* Although the magistrate judge advised the parties of their right to file objections to the report and recommendation, neither party filed an objection.

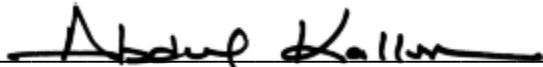
Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge’s Report and Recommendation, the court

ADOPTS the magistrate judge's findings and **ACCEPTS** his recommendation.

Accordingly, the court **DENIES** Lees's petition for a writ of habeas corpus.

A separate Final Order will be entered.

DONE the 1st day of October, 2018.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE