

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

CORRY R. AVERETT,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:22-cv-00351-LCB-SGC
)	
STATE OF ALABAMA, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM OPINION


The Magistrate Judge entered a Report on May 13, 2022, recommending this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be dismissed for lack of jurisdiction as an unauthorized second or successive petition. (Doc. 3).¹ The time to object has expired, and Petitioner has not filed any objections.

After careful consideration of the record in this case and the Magistrate Judge’s Report, the Court **ADOPTS** the Report and **ACCEPTS** the Recommendation. Consistent with that Recommendation, this matter is dismissed without prejudice for lack of jurisdiction. Because this matter will be dismissed as successive, a ruling on a certificate of appealability is not required. *Osbourne v. Sec’y, Fla. Dep’t of Corr.*, 968 F.3d 1261, 1264 n.3 (11th Cir. 2020).

¹ Following the receipt of a notice of change of address, the magistrate judge ordered the Clerk of Court to send the petitioner a copy of the report and recommendation at his new address. (*See* Docs. 4, 5).

A separate order will be entered.

DONE and **ORDERED** August 1, 2022.

A handwritten signature in black ink, appearing to read "Liles C. Burke", written over a horizontal line.

LILES C. BURKE
UNITED STATES DISTRICT JUDGE