

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

<b>DAVID EUGENE SINQUEFIELD,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 1:22-cv-893-RDP-GMB</b>
	)	
<b>WARDEN, STATON CORRECTIONAL FACILITY,</b>	)	
	)	
<b>Respondent.</b>	)	

**MEMORANDUM OPINION**

The Magistrate Judge entered a Report and Recommendation (Doc. 6) on December 27, 2022, recommending that the court dismiss Petitioner David Eugene Sinquefield’s petition for writ of habeas corpus for lack of jurisdiction. Specifically, the Magistrate Judge found that the court lacked jurisdiction over the petition because it is successive, and Sinquefield has not obtained an authorizing order from the Eleventh Circuit. (Doc. 6). Although Sinquefield filed objections to the report (Doc. 7), his filings do not address the court’s lack of jurisdiction, the successive nature of his petition, or his lack of authorization from the Eleventh Circuit. Accordingly, his objections are **OVERRULED**.

After careful consideration of the record in this case and the Magistrate Judge’s Report and Recommendation, the court **ADOPTS** the Report and **ACCEPTS** the Recommendation. Consistent with that recommendation, the court finds that Sinquefield’s petition is due to be dismissed for lack of jurisdiction. A separate final judgment will be entered.

This court may issue a certificate of appealability “only if the applicant has a made a substantial showing of the denial of a constitutional right.” 28 U.S.C. 2253(c)(2). To make such

a showing, a “petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). The court finds Petitioner’s claims do not satisfy either standard. If Sinquefield wishes to appeal, he must request a certificate of appealability from the Eleventh Circuit Court of Appeals. Fed. R. App.P. 22(b); 11th Cir. R. 22-1(b).

**DONE and ORDERED** this January 18, 2023.

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