

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

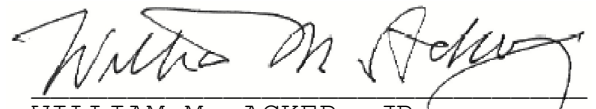
MARCUS MCQUEEN,)	
)	
Petitioner,)	
)	
vs.)	Case No. 2:12-cv-1024-WMA-TMP
)	
WARDEN WHITE; and the)	
ATTORNEY GENERAL of the)	
STATE OF ALABAMA,)	
)	
Respondents.)	

ORDER DISMISSING THE PETITION

The magistrate judge filed his report and recommendation on April 25, 2012, recommending dismissal of petitioner's 28 U.S.C. § 2254 petition for *habeas corpus* relief on grounds that the petition is successive. Petitioner filed objections on May 14, 2012, which assert that the instant petition should not be deemed successive because the first petition was “dismissed on procedural grounds.” As explained in the report and recommendation, however, this court has no jurisdiction over a successive petition that has not been filed pursuant to approval by the appellate court. Having now carefully considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be ADOPTED and the recommendation ACCEPTED.

It is therefore ORDERED that the petition for *habeas corpus* relief pursuant to 28 U.S.C. § 2254 in the above-styled cause be and hereby is DENIED and DISMISSED WITHOUT PREJUDICE.

DONE the 16th day of May, 2012.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE