

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

FARRIS BURRELL,)
Petitioner,)
v.) Case No. 2:14-cv-1545-MHH-SGC
FREDDIE BUTLER, et al.,)
Respondents.)

MEMORANDUM OPINION

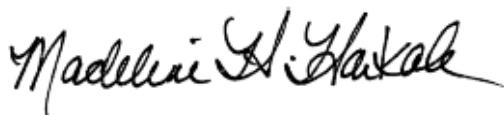
On October 16, 2014, the magistrate judge filed a report and recommended the Court dismiss the petition for a writ of habeas corpus Farris Burrell filed pursuant to 28 U.S.C. § 2254. (Doc. 5). The magistrate judge found that Mr. Burrell has previously filed at least four § 2254 petitions attacking the same convictions he challenges in the instant proceeding. Because Mr. Burrell did not provide a certification from the Eleventh Circuit Court of Appeals allowing him to file a successive petition, the magistrate judge concluded this Court lacks jurisdiction over this petition. (Doc. 5 at 2). The magistrate judge further concluded that a certificate of appealability should be denied. (*Id.*).

In response to the magistrate judge's report and recommendation, Mr. Burrell filed written objections. (Doc. 6). In his objections, Mr. Burrell asks the Court to allow the petition to proceed. (*Id.* at 1). However, Mr. Burrell has not contested the magistrate judge's conclusion that the petition is successive. Neither has Mr. Burrell provided any indication that the Eleventh Circuit has granted him permission to file the instant petition. Consequently, this Court lacks jurisdiction over Mr. Burrell's petition. 28 U.S.C. § 2244(b); *Hill v. Hooper*, 112 F.3d 1088, 1089 (11th Cir. 1997), *cert. denied*, 520 U.S. 1203 (1997).

Having carefully reviewed and considered *de novo* all the materials in the court file, the Court **ADOPTS** the magistrate judge's report and **ACCEPTS** her recommendation. Mr. Burrell's objections (Doc. 6) to the report and recommendation are **OVERRULED**. Accordingly, the petition will be **DISMISSED WITHOUT PREJUDICE**. A certificate of appealability is **DENIED**.

A final judgment will be entered.

DONE and **ORDERED** this December 15, 2014.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE