

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

WILLIAM HERBERT VILLAR,)
)
 Petitioner,)
)
 v.)
)
 WARDEN and the ATTORNEY)
 GENERAL OF THE STATE OF)
 ALABAMA,)
)
 Respondents.)

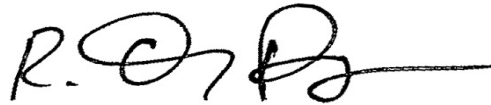
2:15-cv-1243-RDP-JEO

MEMORANDUM OPINION

This is a habeas corpus action filed by Petitioner William Herbert Villar, an Alabama state prisoner acting *pro se*. (Doc. #1). Villar’s petition, nominally filed pursuant to the general habeas statute, 28 U.S.C. § 2241, challenges criminal convictions and sentences entered in 2005 by the Circuit Court of Mobile County, Alabama. On November 3, 2017, the Magistrate Judge to whom the case is referred entered a Report and Recommendation (“R&R”) pursuant to 28 U.S.C. § 636(b)(1)(B), recommending that Villar’s habeas petition be construed as being subject to 28 U.S.C. § 2254 and dismissed for lack of jurisdiction as successive under 28 U.S.C. § 2244(b). (Doc. #9). No objections to the R&R were filed, and the time in which to do so has now expired.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Magistrate Judge's Report and Recommendation, the court is of the opinion that the Magistrate Judge's findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. As a result, the petition for writ of habeas corpus is due to be **DISMISSED WITHOUT PREJUDICE**, for lack of jurisdiction. A separate final order will be entered.

Signed this 21st day of November, 2017.

A handwritten signature in black ink, appearing to read "R. David Proctor", with a horizontal line extending to the right from the end of the signature.

R. DAVID PROCTOR
UNITED STATES DISTRICT
JUDGE