

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

KENNEDY MINNIFIELD,

Petitioner,

v.

WARDEN TONY, et al.,

Respondents.

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Case No.: 2:16-cv-00748-RDP-JHE


MEMORANDUM OPINION

On December 8, 2016, the Magistrate Judge’s Report and Recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the Magistrate Judge. (Doc. # 11 at 4). No objections were filed.

After careful consideration of the record in this case and the Magistrate Judge’s Report and Recommendation, the court hereby **ADOPTS** the Report of the Magistrate Judge. The court further **ACCEPTS** the recommendation of the Magistrate Judge that the petition for writ of habeas corpus be dismissed without prejudice because Petitioner has not received authorization from the Eleventh Circuit Court of Appeals to file a second or successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A).

A separate order in accordance with the Memorandum Opinion will be entered.

DONE and ORDERED this December 28, 2016.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE