

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

LUTHER CARTER, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 LEON BOLLING, *Warden, et al.*, )  
 )  
 Respondents. )

Case No. 2:16-cv-01327-KOB-TMP


**MEMORANDUM OPINION**

On November 1, 2016, the magistrate judge filed his Report and Recommendation in the above-styled cause, recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2254 be dismissed without prejudice because the court is without jurisdiction to consider this second or successive habeas petition. (Doc. 8). No party has filed any objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, the court ADOPTS the magistrate judge’s report and ACCEPTS his recommendation to dismiss the petition. The court finds that this second or successive petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254 in the above-styled cause is due to be DISMISSED WITHOUT PREJUDICE for lack of jurisdiction.

The court will enter a separate Final Order.

DONE and ORDERED this 7th day of December, 2016.

  
KARON OWEN BOWDRE  
CHIEF UNITED STATES DISTRICT JUDGE

