

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

HARRISON CROMWELL,)	
)	
Petitioner,)	
)	
v.)	Case No.: 2:20-cv-01735-RDP-HNJ
)	
DARRYL FAILS,)	
)	
Respondent.)	

MEMORANDUM OPINION

On December 17, 2020, the Magistrate Judge entered a Report and Recommendation recommending the court dismiss Harrison Cromwell’s petition for a writ of habeas corpus as successive pursuant to 28 U.S.C. § 2244(b)(3)(A). (Doc. 6). On December 28, 2020, Cromwell notified the court that he did not object to the Magistrate Judge’s recommendation and planned to petition the Eleventh Circuit for permission to file a successive petition. (Doc. 7).


Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation, the court **ADOPTS** the Magistrate Judge’s Report and **ACCEPTS** his Recommendation. Cromwell’s petition for a writ of habeas corpus is due to be dismissed without prejudice for lack of jurisdiction because he has not received authorization from the Eleventh Circuit to file a successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A).

This court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To make such a showing, a “petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted).

The court finds Cromwell's claims do not satisfy either standard. He is free to make that request of the circuit court, however.

The court will enter a separate order.

DONE and **ORDERED** this January 5, 2021.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE