

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

THOMAS JAMES ROBERTS,)	
)	
Petitioner,)	
)	
v.)	Case No.: 3:19-cv-00682-ACA-
)	SGC
GUY NOE, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

Thomas James Roberts, an Alabama state prisoner proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1). The magistrate judge entered a report on July 31, 2019, recommending the dismissal of this action without prejudice for lack of jurisdiction because the petition is successive and Mr. Roberts has not obtained authorization from the Eleventh Circuit Court of Appeals as required by 28 U.S.C. § 2244(b)(3)(A). (Doc. 10). The magistrate judge also recommended denying a certificate of appealability in accordance with Rule 11 of the Rules Governing 2254 Cases. (*Id.*). Mr. Roberts filed timely objections to the magistrate judge's report and recommendation. (Doc. 11).

Mr. Roberts' objections are frivolous and do not address his lack of authorization to bring a successive petition in this court. (*See id.*). Accordingly, the court **OVERRULES** them.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the petitioner's objections, the court **ADOPTS** the magistrate judge's findings and **ACCEPTS** her recommendations. The court **WILL DISMISS Mr. Roberts'** petition for a writ of habeas corpus **WITHOUT PREJUDICE** for lack of jurisdiction pursuant to 28 U.S.C. § 2244(b)(3)(A). Additionally, for the reasons set forth in the report and recommendation, the court **WILL DENY** a certificate of appealability.

The court will enter a separate order consistent with this memorandum opinion.

DONE and **ORDERED** this August 27, 2019.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE