

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

DAVID L. POOLE,)	
)	
Petitioner,)	
)	
v.)	Case No.: 4:15-cv-00590-JHH-SGC
)	
CHRISTOPHER GORDY, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

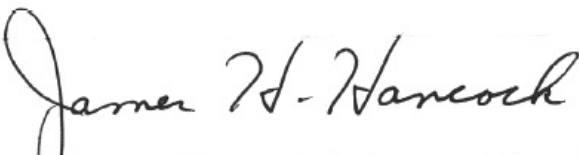
This is an action on a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by David L. Poole, a state prisoner proceeding *pro se*. (Doc. 1). The magistrate judge entered a report and recommendation on October 28, 2015, recommending Poole’s § 2254 petition be dismissed pursuant to 28 U.S.C. § 2244(b)(3)(A) because it is a successive petition and Poole has failed to obtain an order authorizing the petition from the United States Court of Appeals for the Eleventh Circuit. (Doc. 7). In the alternative, the magistrate judge recommended the petition be denied as barred by the statute of limitations set out in 28 U.S.C. § 2244(d)(1). (*Id.*). Finally, in accordance with Rule 11 of the *Rules Governing Section 2254 Cases*, the magistrate judge recommended a certificate of appealability be denied. (*Id.*). Poole was afforded fourteen (14) days to file objections to the report

and recommendation. (*See id.*). More than fourteen (14) days have passed, and the court has received no objections from Poole.

After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** that report and **ACCEPTS** the magistrate judge's recommendations. Accordingly, Poole's § 2254 petition is due to be dismissed as an unauthorized successive petition or, in the alternative, denied as time-barred. Furthermore, for the reasons set forth in the report and recommendation and pursuant to Rule 11 of the Rules Governing Section 2254 Cases, a certificate of appealability is **DENIED**.

A final judgment will be entered.

DONE this the 24th day of November, 2015.



SENIOR UNITED STATES DISTRICT JUDGE