

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

LARRY ALLAN PATTERSON,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 4:18-cv-01344-LSC-HNJ
	)	
STATE OF ALABAMA,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

Larry Allan Patterson, an Alabama state prisoner acting *pro se*, filed this habeas corpus action pursuant to 28 U.S.C. § 2254. (Doc. 1). On August 24, 2018, the magistrate judge entered a report and recommendation that this action be dismissed without prejudice for lack of jurisdiction because Patterson’s petition amounts to a successive § 2254 application, for which he lacks authorization from the Eleventh Circuit, as required by 28 U.S.C. § 2244(b). (Doc. 4). Patterson has filed timely objections to the report and recommendation. (Doc. 5).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge’s report and recommendation and the petitioner’s objections thereto, the court is of the opinion that the magistrate judge’s findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. While Patterson objects to the report and recommendation, his

objections are frivolous and do not address that he lacks authorization to bring a successive petition in this court. Accordingly, the court **OVERRULES** Patterson's objections. Patterson's petition for a writ of habeas corpus is due to be **DISMISSED WITHOUT PREJUDICE**, for lack of jurisdiction. A separate Order will be entered.

**DONE AND ORDERED** ON SEPTEMBER 19, 2018.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', written over a horizontal line.

L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE

160704