

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

**WOODBURCK NOE,**

]

**Petitioner,**

]

]

**vs.**

]

**5:12-CV-2239-VEH-RRA**

]

]

**LOUIS BOYD, ET AL.,**

]

]

**Respondents.**

]

**MEMORANDUM OPINION**

This is a habeas corpus petition. The magistrate judge entered a report and recommendation, recommending that the action be dismissed because it is a successive petition and the petitioner has not obtained the required authorization from the Eleventh Circuit Court of Appeals to file a successive petition in this court. Objections have been filed.

The court has considered the entire file in this action, including the report and recommendation and the petitioner's objections to the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court.

This habeas petition is due to be dismissed, without prejudice, to allow the petitioner to obtain authorization from the Eleventh Circuit Court of Appeals to file a successive petition in this court. An appropriate order will be entered.

**DONE** this the 23rd day of July, 2012.



---

**VIRGINIA EMERSON HOPKINS**  
United States District Judge