

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

MARK DAVID ARCHER,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No.: 5:17-cv-00250-KOB-SGC
	)	
WARDEN DEWAYNE ESTES, et al.,	)	
	)	
Respondents.	)	

**MEMORANDUM OPINION**


On February 11, 2020, the magistrate judge entered a report, recommending this petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, be dismissed without prejudice because it is successive and lacks the requisite appellate court authorization. (Doc. 36). The magistrate judge further recommended a certificate of appealability be denied. Although the parties were advised of their right to file specific written objections within fourteen days, the court received no objections.

After careful consideration of the record in this case and the magistrate judge’s report, the court **ADOPTS** the report of the magistrate judge and **ACCEPTS** her recommendation. In accordance with the recommendation, the court finds the petition is due to be dismissed without prejudice because it is successive and lacks the requisite appellate court authorization. The court further finds a certificate of

appealability is due to be denied.

A separate order will be entered.

**DONE** and **ORDERED** this 12th day of March, 2020.

A handwritten signature in cursive script that reads "Karon O. Bowdre".

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**KARON OWEN BOWDRE**  
**UNITED STATES DISTRICT JUDGE**