

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

ROBERT THOMAS MAYS,)	
)	
Petitioner,)	
)	
v.)	
)	Case No. 5:17-cv-00774-ACA-HNJ
WARDEN THOMAS, and THE)	
ATTORNEY GENERAL OF THE)	
STATE OF ALABAMA,)	
)	
Respondents.)	

MEMORANDUM OPINION

On June 25, 2018, the magistrate judge entered a report and recommendation (doc. 23) in this habeas action recommending that the court dismiss this action as a successive petition because the petitioner failed to obtain the required authorization from the Eleventh Circuit Court of Appeals to file a successive petition in this court. The magistrate judge further recommended the petitioner's motion for mental evaluation (doc. 19) be denied. The magistrate judge advised the petitioner of his right to file specific written objections within fourteen (14) days, but petitioner failed to file any objections within the time period allotted.¹

Having carefully reviewed and considered *de novo* all the material in the

¹ On July 23, 2018, the Clerk received a document from the petitioner titled, "Facts for Consideration with Habeas Corpus of Case Number 5:17-cv-00774." (Doc. 24). Petitioner signed the document under penalty of perjury on July 18, 2018, some 10 days after the time period for filing objections expired. (*Id.*). Although untimely, the court reviewed the document. Its contents do not object to the report of any findings or the Magistrate's recommendation.

court file, including the report and recommendation, the court **ADOPTS** the report of the magistrate judge and **ACCEPTS** his recommendation. This court finds that 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. The petitioner's motion for mental evaluation (doc. 19) is **DENIED**.

The court will enter an appropriate order.

DONE and **ORDERED** this July 31, 2018.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE