

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

ALBERT BRUNSON,)	
)	
Petitioner,)	
)	Civil Action Number
v.)	5:21-cv-1191-AKK-GMB
)	
STATE OF ALABAMA,)	
)	
Respondent.)	

MEMORANDUM OPINION

The magistrate judge entered a report recommending that Albert Brunson’s petition for a writ of habeas corpus be dismissed without prejudice as successive pursuant to 28 U.S.C. § 2244(b)(3)(A). Doc. 14. Brunson subsequently filed a motion for an extension of time to file objections to the report and recommendation, doc. 15, which the magistrate judge granted, doc. 18. Brunson thereafter filed another motion for an extension. Doc. 20.

In both motions, Brunson describes his limited access to the law library in the prison in which he is incarcerated. Docs. 15 at 1; 20 at 1. As noted in the report, however, Brunson has not obtained Eleventh Circuit authorization to file a successive petition, so this court has no jurisdiction to consider his claims. Doc. 14 at 2–4. As a result, no objections that Brunson could file would change that he did not obtain authorization from the Circuit before filing a successive petition.

After careful consideration of the record in this case, the magistrate judge's report, and Brunson's motions, the court **DENIES** Brunson's motion for an extension, doc. 20, **ADOPTS** the report, and **ACCEPTS** the recommendation. Accordingly, the court will dismiss Brunson's amended petition, doc. 8, without prejudice for lack of jurisdiction because he has not received authorization from the Circuit to file a successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A).

This court may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To do so, a "petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong," *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that "the issues presented were adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). The court finds Brunson's claims do not satisfy either standard.

The court will enter a final judgment.

DONE the 12th day of April, 2022.


ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE