

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION

KENNIE DALE GARRISON,]
]
 Petitioner,]
]
 v.]
]
 WARDEN BILLY MITCHEM, et al.,]
]
 Respondents.]

6:13-cv-0272-JHH-RRA

MEMORANDUM OPINION

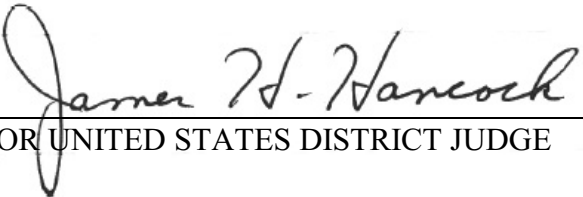
This is a habeas corpus petition. The magistrate judge entered a report and recommendation, recommending that the action be dismissed because it is a successive petition and the petitioner has not obtained the required authorization from the Eleventh Circuit Court of Appeals to file a successive petition in this court. In response to the report and recommendation, the petitioner has filed a motion to withdraw his petition so he may petition the Eleventh Circuit Court of Appeals of authorization to file a successive petition in this court.

The court has considered the entire file in this action, including the report and recommendation and the petitioner’s motion to withdraw his petition, 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. The petitioner’s motion to withdraw his petition is due to be granted and 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 10th day of June, 2013.



SENIOR UNITED STATES DISTRICT JUDGE