

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DARWIN G. KNIGHT,

Petitioner,

vs.

TONY PATTERSON,

Respondent

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CIVIL ACTION 10-0240-CG-B

ORDER

This matter is before the court on the petitioner’s Objection to the Magistrate Judge’s Report and Recommendation. Although the objection takes issue with a number of statements made in the Report and Recommendation, the fact remains that the instant habeas petition is the second or successive application for a writ of habeas corpus, and that in order for this court to have jurisdiction to address the merits of the petition, Knight must first obtain permission from the Eleventh Circuit Court of Appeals.

Accordingly, after due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Recommendation to which objection is made, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated August 30, 2010 is **ADOPTED** as the opinion of this Court.

DONE and ORDERED this 13th day of September, 2010.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE