

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

RICHARD DARON KENNEDY,	:	
	:	
Petitioner,	:	
	:	
vs.	:	CIVIL ACTION NO. 17-0028-KD-B
	:	
JUDGE JOHN LOCKETT, <i>et al.</i> ,	:	
	:	
Respondents.	:	

ORDER

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 Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that this action is **DISMISSED** for lack of jurisdiction due to Petitioner's failure to comply with 28 U.S.C. § 2244(b)(3)(A). It is further **ORDERED** that Petitioner is not entitled to a certificate of appealability and he is not entitled to proceed *in forma pauperis* on appeal.

DONE this 14th of February 2017.

s/Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE