

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

**TRACY HOWARD BESSELAAR,** )  
**AIS # 00135043,** )  
**Petitioner,** )

v. )

**CIVIL ACTION NO. 17-00132-WS-N**

**JEFFERSON S. DUNN,** )  
*Commissioner of the Alabama* )  
*Department of Corrections,* )  
**Respondent.** )

**ORDER**

After due and proper consideration of the issues raised, and a *de novo* determination of those portions of the recommendation to which objection is made, the Report and Recommendations of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B)-(C), Rule 8(b) of the Rules Governing § 2254 Cases in the United States District Courts, and S.D. Ala. GenLR 72(a)(2)(R), and dated April 24, 2017, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Petitioner Tracy Howard Besselaar's Petition for a Writ of Habeas Corpus (Doc. 1) is **DISMISSED** for lack of subject matter jurisdiction, and that Besselaar is not entitled to a Certificate of Appealability pursuant to this final adverse order. The Court also certifies that any appeal by Besselaar of the dismissal of the present habeas petition would be without merit and therefore not taken in good faith. Thus, Besselaar is not entitled to proceed *in forma pauperis* on appeal.

**DONE and ORDERED** this the 4th day of May, 2017.

**s/WILLIAM H. STEELE**  
**UNITED STATES DISTRICT JUDGE**