

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

PAUL EUGENE BAILEY,	:
	:
Petitioner,	:
	:
vs.	: CIVIL ACTION NO. 20-00318-KD-B
	:
KENNETH PETERS,	:
	:
Respondent.	:

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(doc. 5) is made, the Report and Recommendation (doc. 4) 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 6th of July 2020.

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