

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

JESSE COOLEY, JR.,	)	
	)	
<b>Petitioner,</b>	)	
	)	
vs.	)	CIV. ACT. NO. 1:22-cv-325-TFM-B
	)	
ALABAMA DEPARTMENT OF	)	
MENTAL HEALTH,	)	
	)	
<b>Respondent.</b>	)	

**MEMORANDUM OPINION AND ORDER**

On October 18, 2022, the Magistrate Judge filed a Report and Recommendation which recommends dismissal of this habeas petition brought pursuant to 28 U.S.C. § 2254 as duplicative of an earlier filed § 2254 habeas petition currently pending (Civ. Act. No. 1:22-cv-297). *See* Doc.

2. No objections were filed.

Therefore, after due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of this Court. This habeas petition is **DISMISSED without prejudice** as duplicative. The Court further finds that Cooley is not entitled to a certificate of appealability or to appeal *in forma pauperis*.

A separate judgment will issue pursuant to Fed. R. Civ. P. 58.

**DONE** and **ORDERED** this 30th day of January, 2023.

/s/Terry F. Moorner  
TERRY F. MOORER  
UNITED STATES DISTRICT JUDGE