

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

<b>WILLIE ELDRIDGE, AID 184272,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 15-00197-CG-C</b>
	)	
<b>JEFF DUNN, etc., et al.,</b>	)	
	)	
<b>Respondents.</b>	)	

**ORDER**

After due and proper consideration of the issues raised, and a *de novo* determination of those portions of the recommendation to which objection (Doc. 25) is made, the Report and Recommendation (Doc. 21) of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated January 29, 2016 is adopted as the opinion of this Court.

In the interests of justice, this Court **GRANTS** Petitioner's Motion for Leave to Amend § 2254 Petition (Doc. 26). Reviewing these amendments and the objections, the Court nonetheless concludes Petitioner's arguments must fail. This Court cannot properly consider petitioner's jurisdictional arguments, as the Alabama State court system must decide its own matters of jurisdiction. Further, Petitioner presents these arguments as a novel issue to be considered by this Court when, in reality, the error was created by him in his original filings with the Montgomery County Circuit Court. (*See* Doc. 8-2, pp. 1, 3). He cannot, as a method of eschewing a decision he dislikes, attempt to benefit from his own error. *See Carey v. Free*, 272 Fed. App'x 875,

876 (11th Cir. 2008) (applying the *Rooker-Feldman* doctrine to state prisoner's federal habeas review petition). Further, this Court finds the Magistrate Judge properly considered the Alabama Court of Criminal Appeals's memorandum opinion (Doc. 19, Ex. B) under the Antiterrorism and Effective Death Penalty Act ("AEDPA") and soundly arrived at the conclusion that the State court's decision was not "contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States." *Cox v. McNeil*, 638 F.3d 1356, 1360 (11th Cir.) (citing 28 U.S.C. § 2245(d)(1)), *cert. denied sub nom. Cox v. Tucker*, \_\_\_ U.S. \_\_\_, 132 S.Ct. 309, 181, L.Ed.2d 189 (2011).

Accordingly, it is **ORDERED** that Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1), as amended, is **DENIED**. This action is **DISMISSED with prejudice**. Petitioner is not entitled either to a Certificate of Appealability or to appeal in forma pauperis. **DONE** and **ORDERED** this 7th day of February, 2017.

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