

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

CORY D. BRADLEY
Reg #31675-044

PETITIONER

v.

Case No. 2:11-cv-120-DPM

T.C. OUTLAW

RESPONDENT

ORDER

The Court has considered Magistrate Judge H. David Young's proposed findings and recommendations, *Document No. 11*, to which Cory Bradley does not object. After reviewing the proposal for clear factual error on the face of the record, FED. R. CIV. P. 72(b) (1983 advisory committee note), and for legal error, the Court adopts the proposal as its own. Bradley's petition duplicates one the Court dismissed with prejudice in July. *Bradley v. Outlaw*, 2:11-cv-72-DPM. Moreover, he needs permission from the Court of Appeals before he may file a successive petition.

The Court also denies Bradley's motion to amend. While a court should "freely give leave [to amend a pleading] when justice so requires," FED. R. CIV. P. 15(a)(2), justice does not require permitting amendment here. Bradley now seeks damages under the Federal Tort Claims Act. In this action Bradley

paid the \$5 filing fee appropriate for a habeas petition; if he wishes to pursue his tort claim, he must file a new complaint.

Petition dismissed without prejudice. Motion, *Document No. 8*, denied.

And no certificate of appealability is justified.

So Ordered.



D.P. Marshall Jr.
United States District Judge

