

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**JOHN THOMAS MOSS**

**PETITIONER**

**v.**

**CASE NO. 5:10cv00360 BSM**

**RAY HOBBS, Director of the  
Arkansas Department of Correction**

**RESPONDENT**

**ORDER**

The proposed findings and recommendations submitted by United States Magistrate Judge H. David Young and the filed objections have been reviewed. After carefully considering these documents and making a *de novo* review of the record, it is concluded that the proposed findings and recommendations should be, and hereby are, approved and adopted in their entirety in all respects. Judgment will be entered accordingly.

In his response petitioner John Thomas Moss (“Moss”) acknowledges that he must first seek permission from the Eighth Circuit to file a second or successive petition. He requests that this court grant him permission to seek that authorization. Permission from this court is not required. To obtain authorization to file a second or successive petition, Moss must take his request directly to the Eighth Circuit.

Pursuant to 28 U.S.C. § 2253 and Rule 11 of the Rules Governing Section 2254 cases in the United States District Court, it must be determined whether to issue a certificate of appealability in the final order. In § 2254 cases, a certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). There is no issue on which petitioner has made a substantial

showing of a denial of a constitutional right. Thus, the certificate of appealability is denied.

IT IS SO ORDERED this 9th day of June, 2011.

*Brian S. Miller*

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UNITED STATES DISTRICT JUDGE