

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

LEE CHARLES MILLSAP, JR.  
ADC #113121

PETITIONER

VS.

5:11CV00152 JMM/JTR

LARRY NORRIS, Director  
Arkansas Department of Correction

RESPONDENT

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the objections filed by Petitioner. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. Judgment will be entered accordingly.

**IT IS THEREFORE ORDERED THAT:**

1. Petitioner's Motion to Proceed *In Forma Pauperis* (docket entry #1) is GRANTED.

2. The Petition for a Writ of Habeas Corpus, under 28 U.S.C. § 2254 (docket entry #2), is DISMISSED, WITHOUT PREJUDICE, so that Petitioner may

seek authorization from the Eighth Circuit, pursuant to 28 U.S.C. § 2244(b)(3)(A), to file a successive habeas petition.

3. Petitioner's Motions for Appointment of Counsel (docket entries #4 and #7) are DENIED, AS MOOT.

Dated this 7 day of September, 2011.

  
UNITED STATES DISTRICT JUDGE