

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

EDWARD LEE CARTER, ADC #109307

PETITIONER

v.

NO. 5:12CV00126 JLH/BD

RAY HOBBS, Director,
Arkansas Department of Correction

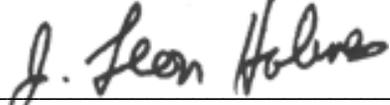
RESPONDENT

ORDER

The Court has received the Recommended Disposition from Magistrate Judge Beth Deere. Magistrate Judge Deere recommends that Edward Lee Carter's petition for writ of habeas corpus be dismissed without prejudice because it is a second or successive petition and Carter has not obtained permission from the United States Court of Appeals for the Eighth Circuit. Carter has responded and stated that he agrees that this is a second or successive petition and that he is required to obtain permission from the Eighth Circuit. He asks that the Court hold the petition in abeyance until he gets permission or dismiss it without prejudice. This Court adopts the Recommended Disposition in its entirety. Carter's petition for writ of habeas corpus is dismissed without prejudice. Document #2.

When entering a final order adverse to a habeas corpus petitioner, the Court must issue or deny a certificate of appealability. Rule 11 of the Rules Governing Section 2254 Cases. A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). In this case, Carter has not provided a basis for this Court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

IT IS SO ORDERED this 2nd day of May, 2012.



UNITED STATES DISTRICT JUDGE