

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

ANTHONY D. LAMAR
ADC # 120479

PETITIONER

v.

No. 5:12-cv-182-DPM-JTR

RAY HOBBS, Director, Arkansas
Department of Correction

RESPONDENT

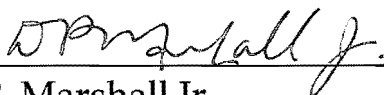
ORDER

Magistrate Judge Ray entered his proposed findings and recommended disposition in this case on 11 June 2012. *Document No. 7*. Lamar timely objected. *Document No. 8*. After a *de novo* review, the Court adopts Judge Ray's findings and recommended disposition as its own. FED. R. CIV. P. 72(b)(3).

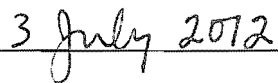
Lamar's earlier *habeas corpus* petition was dismissed because it was untimely. This was an adjudication on the merits, which makes his current petition a "second or successive" petition under 28 U.S.C. § 2244(b). *In re Rains*, 659 F.3d 1274, 1275 (10th Cir. 2011); *Quezada v. Smith*, 624 F.3d 514, 518 (2d Cir. 2010); *McNabb v. Yates*, 576 F.3d 1028, 1030 (9th Cir. 2009). "Before a second or successive application . . . is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the

district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). Lamar’s *habeas corpus* petition is therefore dismissed without prejudice so that he may seek authorization from the U.S. Court of Appeals for the Eighth Circuit to file his successive *habeas* petition.

So Ordered.



D.P. Marshall Jr.
United States District Judge



3 July 2012