

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

JOE MORGAN  
ADC #94725

PETITIONER

v.

NO. 5:14CV00017 JLH-JTR

RAY HOBBS, 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. No objections have been filed. After careful consideration, 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 hold in abeyance or for dismissal without prejudice is GRANTED in part and DENIED in part (Document #5);
2. Petitioner's request to dismiss this 28 U.S.C. § 2254 petition for a writ of habeas corpus is GRANTED, and this action is DISMISSED, WITHOUT PREJUDICE, so that petitioner may seek authorization from the Eighth Circuit Court of Appeals, pursuant to 28 U.S.C. § 2244(b)(3)(A), to file a successive habeas petition;
3. Petitioner's request to hold this action in abeyance, while he seeks Eighth Circuit authorization, is DENIED; and
4. A certificate of appealability is DENIED pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in United States District Courts.

DATED this 31st day of March, 2014.

*J. Leon Holmes*

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UNITED STATES DISTRICT JUDGE