

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

DONALD FELIX WINNETT  
ADC #139544

PETITIONER

V.

NO. 5:15cv00181-SWW-JTR

WENDY KELLEY, 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. The Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, *Docs. 2 & 5*, is **DISMISSED, WITHOUT PREJUDICE**, so that Winnett 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; and

2. A Certificate of Appealability is DENIED pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts.

IT IS SO ORDERED THIS 21<sup>ST</sup> DAY OF JULY, 2015.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE