

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

WESLEY JEFFERSON  
ADC #104933

PETITIONER

V.

NO. 5:15CV00186 JM/JTR

WENDY KELLY, Director,  
Arkansas Department of Correction

RESPONDENT

**ORDER**

The Court has reviewed the 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 Recommended Disposition should be, and hereby is, approved and adopted in its 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*, *Doc. 1*, is GRANTED;
2. The 28 U.S.C. § 2254 Petition for a Writ of Habeas Corpus, *Doc. 2*, 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. A Certificate of Appealability is DENIED, *see* 28 U.S.C. § 2253(c)(1)-(2); Rule 11(a), Rules Governing § 2254 Cases in United States District Courts; *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and

4. Petitioner's "Motion to Proceed Under 28 U.S.C. § 2254" (*doc. 3*) is DENIED, AS MOOT.

Dated this 8th day of July, 2015.

  
UNITED STATES DISTRICT JUDGE