

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

**TOMMY RAY MOSLEY**  
**ADC #85548**

**PETITIONER**

**V.**

**CASE NO. 5:15cv00297-BSM-JTR**

**WENDY KELLEY, Director,**  
**Arkansas Department of Correction**

**RESPONDENT**

**ORDER**

The proposed findings and recommended disposition submitted by United States Magistrate Judge J. Thomas Ray and the petitioner's objections thereto have been reviewed. After careful consideration of these documents and making a *de novo* review of the record, the proposed findings and recommended disposition are hereby adopted in all respects.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff Mosley's motion for leave to proceed *in forma pauperis* [Doc. No. 1] is granted.
2. The petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 [Doc. No. 2] filed by Mosley is dismissed without prejudice so that Mosley 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, as there is no issue on which Mosley has made a substantial showing of denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2).

IT IS SO ORDERED this 15th day of October 2015.

A handwritten signature in cursive script that reads "Brian S. Miller". The signature is written in black ink and is positioned above a horizontal line.

UNITED STATES DISTRICT JUDGE