

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

**BENJAMIN L. EAGLE**

**PETITIONER**

**v.**

**Case No. 5:16-cv-00055 KGB/BD**

**SHELIA SHARP, Director,  
Arkansas Department of Community Correction**

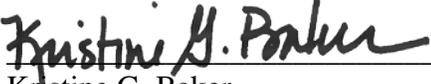
**RESPONDENT**

**ORDER**

The Court has received the Recommended Disposition filed by United States Magistrate Judge Beth Deere (Dkt. No. 5). Petitioner Benjamin L. Eagle has not filed any objections. After careful review of the Recommended Disposition, the Court concludes that the Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects. Petitioner Benjamin L. Eagle's petition for writ of habeas corpus is dismissed without prejudice for lack of jurisdiction and his motion for leave to proceed *in forma pauperis* is denied as moot (Dkt. Nos. 1; 2). Before filing a second or successive habeas corpus petition in federal court, a petitioner must seek and receive an order from the appropriate court of appeals authorizing the district court to consider the petition. 28 U.S.C. § 2244(b)(3)(A).

When entering a final order adverse to a habeas corpus petitioner, the Court must issue or deny a certificate of appealability. *See* Rule 11 of the Rules Governing Section 2254 Cases. A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). In this case, there is no basis for this court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

So ordered this 28th day of April, 2016.

  
\_\_\_\_\_  
Kristine G. Baker  
United States District Judge