

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

WAYDE EARL STEWART  
ADC #65252

PETITIONER

v.

No. 5:16-cv-64-DPM

WENDY KELLEY, Director,  
Arkansas Department of Correction


RESPONDENT

ORDER

1. On *de novo* review, the Court adopts the recommendation, *No 8*, and overrules Stewart's objections, *No 11*. FED. R. CIV. P. 72(b)(3). Stewart must get permission from the Court of Appeals before he can proceed with a second or successive petition. His petition will therefore be dismissed without prejudice for lack of jurisdiction. No certificate of appealability will issue. 28 U.S.C. § 2253(c)(1)-(2).

2. Because this Court lacks jurisdiction, Stewart's motion to continue, *No 10*, is denied.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

  
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