

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

MICHAEL WAYNE HINKSTON
ADC #113148

PETITIONER

V.

NO. 5:16cv00077-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 and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, 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. Hinkston's Motion for Leave to Proceed *In Forma Pauperis*, *Doc. 1*, is GRANTED;

2. The Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, *Doc. 3*, is DISMISSED, WITHOUT PREJUDICE, so that Hinkston 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 pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts; and

4. Hinkston's Motion for Leave to File Habeas Corpus Petition, *Doc. 2*, and Motion for Appointment of Counsel, *Doc. 4*, are DENIED as moot.

DATED this 31st day of March, 2016.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE