

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

**ERIC C. BURGIE  
ADC #120956**

**PETITIONER**

**v.**

**CASE NO. 5:16CV000196 BSM**

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

**RESPONDENT**

**ORDER**

The recommended disposition (“RD”) submitted by United States Magistrate Judge J. Thomas Ray [Doc. No. 3] and petitioner Eric Burgie’s objections [Doc. Nos. 5, 6] have been reviewed. After reviewing the record, the RD is adopted.

Accordingly, Burgie’s motion to proceed *in forma pauperis* [Doc. No. 1] is granted, and his petition [Doc. No. 2] is dismissed without prejudice. Burgie’s motion to appoint counsel [Doc. No. 4] is denied as moot. If Burgie wishes to proceed, he must seek authorization from the Eighth Circuit Court of Appeals to file a successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A). A certificate of appealability will not issue.

IT IS SO ORDERED this 3rd day of August 2016.

  
UNITED STATES DISTRICT JUDGE