

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

SANDERS M. CARTER  
ADC #88350

PETITIONER

v.

No. 5:16-cv-367-DPM

WENDY KELLEY, Director,  
Arkansas Department of Correction

RESPONDENT

ORDER

On *de novo* review, the Court adopts the recommendation, *No* 26, as modified and overrules Carter's objections, *No* 27. FED. R. CIV. P. 72(b)(3). Because Carter's *Brady* claim is nonmaterial, his petition is a successive one; and he must get preauthorization from the United States Court of Appeals for the Eighth Circuit to file it. *Crawford v. Minnesota*, 698 F.3d 1086, 1089-90 (8th Cir. 2012). The modification: given the age of this case and the potential for statute-of-limitations problems, the interests of justice favor transferring Carter's petition rather than dismissing it. 28 U.S.C. § 1631; *cf. Boyd v. United States*, 304 F.3d 813, 814 (8th Cir. 2002). The Court therefore transfers the petition, *No* 2, to the Court of Appeals. This transfer is immediate.

So Ordered.

*D.P. Marshall Jr.*

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D.P. Marshall Jr.  
United States District Judge

*21 September 2017*

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