

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

ERIC C. BURGIE
ADC #120956

PETITIONER

v.

CASE NO. 5:17-CV-00193 BSM

WENDY KELLEY, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

The recommended disposition [Doc. No. 3] submitted by United States Magistrate Judge J. Thomas Ray and petitioner Eric Burgie's objection thereto [Doc. No. 4] have been reviewed. Upon *de novo* review of the record, the RD is adopted in its entirety. Accordingly, Burgie's motion for leave to proceed *in forma pauperis* [Doc. No. 1] is granted. His petition for writ of *habeas corpus* [Doc. No. 2] is dismissed without prejudice so that he may seek authorization from the Eighth Circuit Court of Appeals to file a successive *habeas* petition. See 28 U.S.C. § 2244(b)(3)(A). Because Burgie has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not be issued. See 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED this 1st day of September 2017.


UNITED STATES DISTRICT JUDGE