

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

JOE MCKINLEY JONES, JR.

PETITIONER

v.

No. 2:17-CV-2043

WENDY KELLY, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

The Court has received a report and recommendations (Doc. 12) from United States Magistrate Judge Mark E. Ford, and timely objections (Doc. 13) from Petitioner Joe McKinley Jones, Jr.

The Magistrate recommends that Respondent's motion to dismiss (Doc. 10) be granted because the Court lacks jurisdiction to hear Petitioner's petition for a writ of habeas corpus under 28 U.S.C. § 2254. The Magistrate presents that the pending petition is barred as a second or successive petition under 28 U.S.C. § 2244(b). Upon due consideration, the Court finds that Petitioner's objections offer neither law nor fact requiring departure from the Magistrate's findings and recommendations, that the Magistrate's report does not otherwise contain clear error, and that the report (Doc. 12) should be, and hereby is, ADOPTED IN ITS ENTIRETY.

IT IS THEREFORE ORDERED that Respondent Wendy Kelly's motion to dismiss (Doc. 10) is GRANTED and this case is DISMISSED WITH PREJUDICE. No certificate of appealability shall issue.

Judgment will be entered accordingly.

IT IS SO ORDERED this 5th day of May, 2017.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE