

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JOHNNIE RAY HAWTHORNE

PETITIONER

VS.

CASE NO. 09-CV-4028

LARRY NORRIS, Director
Arkansas Department of Correction

RESPONDENT

ORDER

Before the Court is the Report and Recommendation filed on April 28, 2009, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 7). Ten (10) days have passed without objections being filed by the parties. Therefore, the Court adopts *in toto* the Magistrate's findings and recommendations.

The Court finds that the instant petition is a successive §2254 petition which the Petitioner has failed to obtain authorization to file from the appropriate court of appeals, i.e., the United States Court of Appeals for the Eighth Circuit. The Court lacks jurisdiction to consider this petition. Therefore, the instant Petition should be and hereby is **denied and dismissed**.

This is Petitioner's fourth successive §2254 petition filed in this Court without first obtaining permission from the United States Court of Appeals for the Eighth Circuit to do so. Petitioner **must** obtain the necessary authorization before filing a successive §2254 petition in this Court. Accordingly, the Clerk is hereby directed not to accept any future filing from Petitioner unless he first obtains permission from the Eighth Circuit Court of Appeals or this Court to do so. Should Petitioner seek to file any future pleading without first obtaining the

necessary authorization, the Clerk is directed to return such pleadings to the Petitioner without filing the same.

IT IS SO ORDERED, this 20th day of May, 2009.

/s/Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge