

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

IVORY LEE ROBINSON,

Petitioner,

v.

CASE NO. 1:11-cv-00043-MP -GRJ

EDWIN G BUSS,

Respondent.

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ORDER

This matter is before the Court on Doc. 4, Amended Report and Recommendation of the Magistrate Judge, which recommends that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, Doc. 1, be dismissed. Petitioner timely objected to the Magistrate Judge’s Report and Recommendation. This Court reviews objected-to material *de novo*.

The Court previously denied Petitioner’s request for habeas corpus relief pursuant to 28 U.S.C. § 2254 and denied Petitioner’s request for a certificate of appealability. In order to file a second or successive habeas petition, the petitioner must first obtain an order from the court of appeals authorizing the district court to consider it. 28 U.S.C. § 2244(b)(3)(A). Absent authorization, the district court lacks jurisdiction to consider a second or successive petition. *See Farris v. United States*, 333 F.3d 1211, 1216 (11th Cir. 2003) (addressing a successive motion to vacate under 28 U.S.C. § 2255). Petitioner’s objections to the Magistrate Judge’s Report and Recommendation do not change the fact that the Court lacks the authority to entertain his claims. Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge, Doc. 4, is ADOPTED and incorporated herein.
2. The petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, Doc. 1, is DISMISSED.

DONE AND ORDERED this 23rd day of March, 2011

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge