

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

GREGORY ALLEN DAY,

Petitioner,

v.

CASE NO. 1:12cv90-MP-GRJ

UNITED STATES OF AMERICA,

Respondent.

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ORDER

This matter is before the court on the Report and Recommendation of the Magistrate Judge (doc. 3), recommending that the petition in this case be construed as a successive motion under 28 U.S.C. § 2255 and that it be dismissed because petitioner has not first obtained permission from the Eleventh Circuit Court of Appeals to file a successive motion. Rather than file objections to the Report and Recommendation, petitioner filed a rambling document which makes little sense, entitled "Motion to Amend." In this document he does not address the points raised in the Report and Recommendation but instead appears to attempt to make a claim against the Magistrate Judge "in the nature of trespass Vi et armis for false imprisonment" and seeks "100 million in Lawful money to vindicate my rights." (See doc. 4). Such claims are clearly frivolous and do not support leave to amend. Additionally, petitioner has offered no cause for allowing his successive § 2255 motion proceed without prior approval of the Eleventh Circuit Court of Appeals.

Accordingly, it is now **ORDERED** as follows:

1. The Report and Recommendation of the Magistrate Judge (doc. 3) is adopted and incorporated herein. The petition for habeas corpus (doc. 1) is DENIED.
2. The motion to amend (doc. 4) is DENIED.

DONE and ORDERED this 10th day of August, 2012.

s/ M. Casey Rodgers

**M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE**