

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

RANDY R. WALKER,

Petitioner,

v.

CASE NO. 5:08-cv-00252-RS-AK

WALTER MCNEIL,

Respondent.

\_\_\_\_\_ /

**SUPPLEMENTAL REPORT AND RECOMMENDATION**

By Report and Recommendation issued yesterday, April 16, 2009, the Court recommended that Respondent's motion to dismiss be granted. Doc. 27. Unbeknownst to the undersigned, Petitioner, on that same date, filed a response to Respondent's motion. Doc. 26. The Court has considered Petitioner's response and is of the opinion that it does not change the analysis in the original R&R. The instant petition is indisputably second or successive as it relates to the conviction in 93-262, and this Court is without jurisdiction to consider his petition in that regard without prior authorization from the Eleventh Circuit. It is therefore respectfully **RECOMMENDED** that the R&R dated April 16, 2009, be **ADOPTED**.

**IN CHAMBERS** at Gainesville, Florida, this 17<sup>th</sup> day of April, 2009.

*s/ A. KORNBLUM*

\_\_\_\_\_  
ALLAN KORNBLUM

UNITED STATES MAGISTRATE JUDGE

**NOTICE TO THE PARTIES**

**A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.**