

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DALE DEAN GOINS,

Petitioner,

v.

BRAD HOOKS
WARDEN,

Respondent.

CIVIL ACTION FILE
NO. 1:14-CV-1111-TWT

ORDER

This is a pro se habeas corpus action. It is before the Court on the Report and Recommendation [Doc. 4] of the Magistrate Judge recommending dismissing the action due to the Petitioner's failure to obtain the authorization of the Court of Appeals to file a second habeas corpus petition. The Petitioner's claim that he has shown that he is actually innocent is without merit for the reasons given by the Court of Appeals in 2007 when it denied his application for a second habeas corpus petition. The new alibi defense is incredible. The Court approves and adopts the Report and Recommendation as the judgment of the Court. This action is DISMISSED. No Certificate of Appealability will be issued.

SO ORDERED, this 20 day of May, 2014.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge