

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ROBERT WHITAKER (#110818)

CIVIL ACTION

VERSUS

JAMES D. (BUDDY) CALDWELL

NO.: 14-00775-BAJ-RLB

RULING AND ORDER

This matter comes before the Court on Petitioner Robert Whitaker's **Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. 1)**. The Magistrate Judge issued a Report and Recommendation (Doc. 2), recommending that the Court consider the instant Petition, in part, as a motion for authorization to proceed with a successive habeas corpus application. Petitioner filed no objections in response to the Magistrate Judge's Report.

Having carefully considered Petitioner's Petition (Doc. 1), the Court **APPROVES** the Magistrate Judge's **Report and Recommendation (Doc. 2)** and **ADOPTS** it as the Court's opinion in this matter.

Accordingly,

IT IS ORDERED that Petitioner Robert Whitaker's **Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. 1)** be considered, in part, a motion for authorization to proceed with this successive habeas corpus application.

IT IS FURTHER ORDERED that the instant petition is hereby **TRANSFERRED** to the U.S. Court of Appeals for the Fifth Circuit pursuant to 28

U.S.C. § 1631, for that Court to determine whether to grant Petitioner authorization to file the instant habeas corpus petition in this Court. *See In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997).

Baton Rouge, Louisiana, this 20th day of March, 2015.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**