

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

COURTNEY R. LOGAN

PETITIONER

V.

NO. 4:15-CV-121-DMB-JMV

HALEY BARBOUR, ET AL.

RESPONDENTS

ORDER

The Court, sua sponte, considers the transfer of this case to the United States Court of Appeals for the Fifth Circuit. On November 27, 2012, Courtney R. Logan was convicted of three counts of kidnapping, one count of aiding the escape of an inmate, and being a felon in possession of a deadly weapon. He was sentenced to life without parole on November 28, 2012. On August 24, 2015, Logan filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241.

Logan has filed at least one unsuccessful § 2254 motion concerning the same conviction which he now seeks to challenge. See *Logan v. Mississippi*, No. 4:13-CV-122-GHD-DAS, 2015 WL 576573 (N.D. Miss. Feb. 11, 2015). The Antiterrorism and Effective Death Penalty Act of 1996 requires that before a second or successive petition is filed in the district court, “the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). Logan has not obtained such an order. Rather than requiring district courts to dismiss petitions on this basis, the Fifth Circuit permits district courts to transfer a habeas petition for consideration pursuant to 28 U.S.C. § 2244(a) and (b)(3)(c). See *In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997); *In re Sepulvado*, 707 F.3d 550 (5th Cir. 2013) cert. denied, 134 S. Ct. 420 (2013).

Therefore, in the interest of justice and judicial economy, it is **ORDERED** that this petition be **TRANSFERRED** to the Fifth Circuit Court of Appeals for Logan to seek leave to file this successive § 2241 petition.

It is further **ORDERED** that the Clerk of Court is directed to transfer this petition and the entire record to the Fifth Circuit Court of Appeals in accordance with 28 U.S.C. § 2244(a) and (b)(3)(c), and *In re Epps*, 127 F.3d at 365; and

It is further **ORDERED** that this case is **CLOSED**.

SO ORDERED, this 23rd day of September, 2015.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE