

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

**RUBIN R. WEEKS**

**PETITIONER**

**V.**

**CAUSE NO. 3:15-CV-283-CWR-FKB**

**STATE OF MISSISSIPPI and  
MISSISSIPPI DEPARTMENT OF  
CORRECTIONS**

**RESPONDENTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on Petitioner's Objection to the Report and Recommendation of United States Magistrate Judge F. Keith Ball entered on January 15, 2016. Docket No. 25. The Magistrate Judge's Report and Recommendation recommends dismissing the petition due to a lack of jurisdiction and denying the respondents' motion to dismiss as moot.<sup>1</sup> Docket No. 22. Having considered said Report and Recommendation, the Petitioner's objections, applicable statutory and case law, and being otherwise fully advised, the Court concludes that Petitioner's objection is without merit and hereby adopts, as its own opinion, the Report and Recommendation of the Magistrate Judge.

The Petitioner filed two previous petitions challenging the same detainer that is the subject of the instant action. See Case No. 3:95-cv-523-TSL-AGN and Case No. 3:99-cv-734-TSL-AGN. The first petition was dismissed for failure to exhaust administrative remedies. See Docket No. 22, at 2. The second petition was dismissed because it was untimely filed. *Id.* Without an order from the Fifth Circuit authorizing this Court to consider the petition, this Court is without jurisdiction to hear petitioner's claim. See 28 U.S.C. § 2244(b)(3)(A).

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<sup>1</sup> On the same date petitioner filed his objection to the Report and Recommendation, he also filed a Motion for Certificate of Appealability, Docket No. 26. Based on this Court's Order Adopting the Report and Recommendation, that motion will also be dismissed as moot.

Based on the foregoing, it is ordered that the Report and Recommendation of the Magistrate Judge is adopted as the finding of this Court.

This matter shall be dismissed with prejudice and a Final Judgment will be entered on this day in accordance with this Order.

**SO ORDERED**, this the 8th day of March, 2016.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE