

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

REDAN ROOSEVELT NORMAN,

Petitioner,

v.

CASE NO. 2:17-CV-319

JUDGE ALGENON L. MARBLEY

Magistrate Judge Kimberly A. Jolson

**PICKAWAY CORRECTIONAL
INSTITUTION,**

Respondent.

OPINION AND ORDER

On April 25, 2017, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts recommending that this action be transferred to the United States Court of Appeals for the Sixth Circuit as successive. (Doc. 2.) Petitioner has filed an *Objection* to the Magistrate Judge's *Report and Recommendation*. (Doc. 3.)

Petitioner argues that his judgment is void because the state trial court lacked venue and subject matter jurisdiction and that he thereby was denied due process, based upon new evidence that could not have been earlier discovered indicating that Fairfield County issued the victim's death certificate. However, as noted by the Magistrate Judge, Petitioner nonetheless must obtain authorization for the filing of this successive petition from the United States Court of Appeals for the Sixth Circuit before this Court can consider his claims. 28 U.S.C. § 2244(b); *Nelson v. United States*, 115 F.3d 136 (2nd Cir. 1997); *Hill v. Hopper*, 112 F.3d 1088 (11th Cir. 1997).

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons that follow, Petitioner's *Objection* (Doc. 3) is **OVERRULED**. The *Report and*

Recommendation (Doc. 2) is **ADOPTED** and **AFFIRMED**. This action is **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit as successive.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Judge

DATED: June 9, 2017