

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THOMAS WASHAM,	:
Petitioner	:
	:
	:
v.	:
	:
JAMES L. WALSH, <u>et al.</u>,	:
Respondent	:

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Petitioner Thomas Washam filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on March 22, 2011. (Doc. No. 1.) On May 18, 2011, Magistrate Judge Malachy E. Mannion filed a report and recommendation in which he recommended that the petition be dismissed without prejudice. (Doc. No. 4.) As noted in the report and recommendation, the Court may not consider the instant petition for habeas relief because it is a second or successive petition and petitioner has failed to obtain authorization to file the petition from a three-judge panel of the court of appeals. 28 U.S.C. § 2244(b)(3)(A); see also Burton v. Stewart, 549 U.S. 147, 152-53 (2007) (concluding a district court lacks jurisdiction to consider a successive habeas petition where Petitioner did not seek or obtain authorization to file the petition). On June 3, 2011, Petitioner filed objections to the report and recommendation. (Doc. No. 6.) Those objections, however, fail to address in any way the jurisdictional bar to proceeding in this Court raised by 28 U.S.C. § 2244(b)(3)(A).

ACCORDINGLY, on this 6th day of June 2011, **IT IS HEREBY ORDERED THAT** the Report and Recommendation (Doc. No. 4) is **ADOPTED**, the motion for leave to proceed in forma pauperis is **GRANTED** (Doc. No. 2), and the petition for writ of habeas corpus is

DENIED. The Clerk of Court is directed to close the case.

S/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania