

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JASON PUMPHREY

Petitioner,

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§
§

v.

No. 3:13-CV-4057-M

LORIE DAVIS, Director, TDCJ-CID,

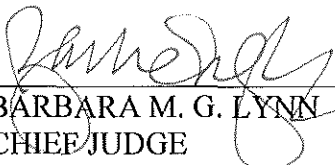
Respondent.

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. Petitioner filed objections, and the District Court has made a *de novo* review of those portions of the proposed Findings and Recommendation to which objection was made. The objections are overruled, and the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the motion for relief from judgment filed under Fed. R. Civ. P. 60(b) is construed as a successive habeas petition under 28 U.S.C. § 2254 and the petition is **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit. *See* 28 U.S.C. § 2244(b)(3); 28 U.S.C. § 1631.¹ The Clerk's Office is directed to open a new civil action, nature of suit 530, and terminate the Rule 60(b) motion in this case.

SO ORDERED this 14 day of July, 2017.



 BARBARA M. G. LYNN
 CHIEF JUDGE

¹ An order transferring a successive application to the court of appeals is not a final order requiring a certificate of appealability. *See United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015).