

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

RELVY ESQUIVEL, #37446-177,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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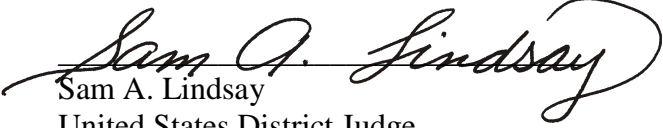
Civil Action No. **3:16-CV-1695-L**
(Criminal Case 3:08-CR-174-L)

ORDER

This habeas case was referred to Magistrate Judge Irma Carrillo Ramirez, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 4) on June 23, 2016, recommending that Petitioner’s habeas petition be construed as successive and transferred to the United States Court of Appeals for the Fifth Circuit. See 28 U.S.C. § 2244(b)(3). No objections to the Report were received as of the date of this order.

When a petition is deemed successive, the district court lacks subject matter jurisdiction unless a panel of the Fifth Circuit allows the successive petition to proceed. After reviewing the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **directs** the clerk of the court to **transfer** the habeas petition in this case to the Fifth Circuit for determination, and **dismisses without prejudice** this action for lack of subject matter jurisdiction.

It is so ordered this 6th day of October, 2016.


Sam A. Lindsay
United States District Judge