

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

JIMMY CHARLES JOHNSON, #727145, §  
Petitioner, §  
v. §  
LORIE DAVIS, Director, §  
Texas Department of Criminal Justice, §  
Correctional Institutions Div., §  
Respondent. §

CIVIL NO. 3:16-CV-3518-N-BK

ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. No objections were filed. The District Court reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate.

IT IS THEREFORE ORDERED that the successive habeas 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](#).<sup>1</sup>

SO ORDERED this 3<sup>rd</sup> day of March, 2017.

  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> 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); *Brewer v. Stephens*, 605 Fed. Appx. 417 (5th Cir. 2015) (per curiam).