

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

EARL WAYNE HUMPHRIES,

Petitioner,

v.

DIRECTOR TDCJ-CID,

Respondent.

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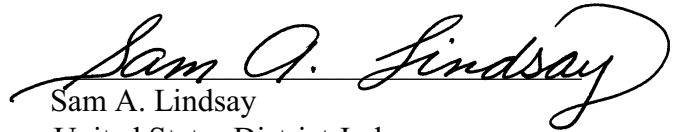
Civil Action No. **3:23-CV-2217-L-BK**

ORDER

On November 17, 2023, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (Doc. 11) (“Report”) was entered, recommending that Petitioner’s habeas petition, filed pursuant to 28 U.S.C. § 2254, be construed as a successive motion and transferred to the United States Court of Appeals for the Fifth Circuit (“Fifth Circuit”) for consideration. No objections to the Report were received as of the date of this order, and the deadline for filing objections has expired.

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. This court lacks jurisdiction to hear this action unless the Fifth Circuit grants leave for Petitioner to file a successive petition. Accordingly, the court **directs** the clerk of court to **transfer** Petitioner’s habeas petition to the Fifth Circuit for consideration.

It is so ordered this 22nd day of December, 2023.


Sam A. Lindsay
United States District Judge