

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

JAN 14 2005

Carl Wayne Chambers §
Petitioner, §

vs. §

Douglas Dretke, §
Director of the Texas Department §
of Criminal Justice - Correctional §
Institutions Division §
Respondent. §

Civil Action: H-04-4759

Michael N. Milby, Clerk of Court

MEMORANDUM AND RECOMMENDATION

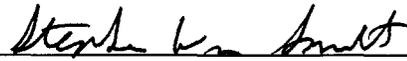
Petitioner Carl Wayne Chambers, a state prisoner, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254, which has been referred to this magistrate judge for report and recommendation (Dkt. No. 4).

Chambers filed a previous writ application in this court on January 21, 1999, challenging his state court murder conviction on some of the same grounds as those currently asserted. *See* Civil Action No. H-99-0216. That petition was ultimately denied. Because this is a successive petition for collateral relief and Chambers has not obtained an order from the court of appeals authorizing the district court to consider it, the court recommends that this petition be DISMISSED for lack of jurisdiction. 28 U.S.C. § 2244(b)(3)(A); *United States v. Key*, 205 F.3d 773, 774 (5th Cir. 2000).

The Clerk shall send copies of this Memorandum and Recommendation to the respective parties. The parties have ten days from receipt to file written objections to the Memorandum and Recommendation. *See* FED. R. CIV. P. 72. Failure to file written objections within that time may bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

The original of any written objections must be filed with the United States District Clerk, P.O. Box 61010, Houston, Texas, 77208. Copies of the objections must be mailed to opposing parties and to the chambers of the magistrate judge, 515 Rusk, Suite 7727, Houston, Texas 77002.

Signed at Houston, Texas, on January 14, 2005.

A handwritten signature in black ink, appearing to read "Stephen Wm. Smith", written over a horizontal line.

Stephen Wm. Smith
United States Magistrate Judge