

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

LAWRENCE LAMAR DEAN,	)	
	)	
Petitioner,	)	
	)	
v.	)	CASE NO. 2:20-CV-736-WKW
	)	[WO]
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

Before the court is the Recommendation of the Magistrate Judge that the court dismiss Petitioner's action for lack of subject matter jurisdiction because his appeal is pending before the Eleventh Circuit Court of Appeals. (Doc. # 6.) Petitioner has objected to the Recommendation. (Doc. # 7.) Based upon a *de novo* review of the Recommendation, 28 U.S.C. § 636(b), it is ORDERED as follows:

- (1) Petitioner's objections (Doc. # 7) are OVERRULED;
- (2) The Recommendation (Doc. # 6) is ADOPTED; and
- (3) Petitioner's action is DISMISSED without prejudice.

It is further ORDERED that a certificate of appealability is DENIED.

DONE this 12th day of November, 2020.

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/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE