

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

ERIC WILBURN,
Petitioner,

v.

SUPERINTENDENT,
Respondent.

Case No. 3:16-CV-328 JVB

OPINION AND ORDER

Eric Wilburn, a pro se prisoner, filed a habeas corpus petition attempting to challenge a prison disciplinary proceeding (ISO 16-01-0010) held at the Indiana State Prison where the Disciplinary Hearing Officer (DHO) found him guilty of Disorderly Conduct in violation of B-236 on January 27, 2016, and sanctioned him with the loss of 30 days earned credit time. This is not the first time that Wilburn has brought a habeas corpus petition challenging that hearing. In *Wilburn v. Superintendent*, 3:16-CV-108 (N.D. Ind. filed February 29, 2016), he challenged this same proceeding. In that case, the Court dismissed the petition pursuant to Habeas Corpus Rule 4 because all of the claims were procedural defaulted.

As such, this is an unauthorized successive petition over which the Court has no jurisdiction. *See* 28 U.S.C. § 2244(b)(3)(A). “A district court *must* dismiss a second or successive petition, without awaiting any response from the government, unless the court of appeals has given approval for its filing.” *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996) (emphasis in original). Because Wilburn has not obtained authorization from the Seventh Circuit to file a successive petition, the Court **DISMISSES** this case for want of jurisdiction.

SO ORDERED on January 12, 2017.

s/ Joseph S. Van Bokkelen
JOSEPH S. VAN BOKKELEN
UNITED STATES DISTRICT JUDGE