

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

THOMAS DANIEL EUGENE HALE,)	
)	
<i>Petitioner,</i>)	
)	Case No. 2:16-CV-93
v.)	
)	Judge Collier
DOUG COOK,)	
)	Magistrate Judge Corker
<i>Respondent.</i>)	

MEMORANDUM OPINION

Before the Court is Petitioner Thomas Daniel Eugene Hale’s pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 [Doc. 4]. Under 28 U.S.C. § 2244(b)(3), a petitioner who has previously filed a habeas petition must move the Sixth Circuit Court of Appeals for an order authorizing the District Court to consider the second or successive petition. Here, Petitioner has already filed two § 2254 petitions for post-conviction relief challenging the same conviction. The first petition was dismissed on the merits. *See Hale v. Myers*, Case No. 1:96-CV-149 (E.D. Tenn., Order of July 28, 1998). The second petition was transferred to the United States Court of Appeals for the Sixth Circuit, where Petitioner was denied permission to file a second or successive petition. *See Hale v. Parker*, Case No. 2:05-CV-184 (E.D. Tenn., Order of July 7, 2005) (transferring case), *leave to file denied by In re Hale*, No. 05-6081 (6th Cir., June 5, 2006).

Since this is Petitioner’s third petition for a writ of habeas corpus, and since this Court has not received an order from the Sixth Circuit authorizing the Court to consider it, the Clerk is **DIRECTED** to **TRANSFER** this action to the United States Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

An appropriate order shall enter.

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE