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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Darlene Laws,)	No. CV 08-2143-PHX-EHC (ECV)
)	
Petitioner,)	ORDER
)	
vs.)	
)	
Dora B. Schriro, et al.,)	
)	
Respondents.)	
)	

On December 14, 2005, Petitioner filed a Petition for Writ of Habeas Corpus, alleging ten claims for relief. Laws v. Harkins, et al., CV 05-4102-PHX-EHC. On July 24, 2006, the Court denied nine of the claims on procedural default grounds and the tenth on the merits. (CV 05-4102-PHX-EHC, Dkt. 14.)

On November 19, 2008, Petitioner filed this Petition for Writ of Habeas Corpus. (Dkt. 1.) On January 12, 2009, Respondents filed a Motion to Dismiss Second or Successive Habeas Corpus Petition for Lack of Subject Matter Jurisdiction. (Dkt. 8.)

A “second or successive” Petition for Writ of Habeas Corpus, under 28 U.S.C § 2254, may be filed in the district court only if a petitioner first obtains an order from the court of appeals authorizing the district court to consider the petition. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not received an order from the Ninth Circuit authorizing this Court to consider the November 19, 2008 Petition. Petitioner’s November 19, 2008 Petition raises four claims, which were raised or could have been raised in the December 14, 2005 Petition.

1 On August 14, 2009, the Magistrate Judge issued a Report and Recommendation,
2 recommending that the Motion to Dismiss be granted and the Petition be denied and
3 dismissed without prejudice.¹ (Dkt. 10.) On August 20, 2009, Petitioner filed a Reply to
4 Report and Recommendation, which the Court construes as an objection. (Dkt. 11.)

5 Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has reviewed the record *de novo*,
6 including Petitioner's objection. The Court adopts in full the Magistrate Judge's Report and
7 Recommendation (Dkt. 10) and incorporates the same as a part of this Order.

8 Accordingly,

9 **IT IS ORDERED** adopting the Report and Recommendation (Dkt. 10) and
10 incorporating the same as a part of this Order.

11 **IT IS FURTHER ORDERED** that Respondents' Motion to Dismiss Second or
12 Successive Habeas Corpus Petition for Lack of Subject Matter Jurisdiction (Dkt. 8) is
13 **granted**.

14 **IT IS FURTHER ORDERED** that Petitioner's Petition for Writ of Habeas Corpus
15 pursuant to 28 U.S.C. § 2254 (Dkt. 1) is **denied** and **dismissed without prejudice**.

16 DATED this 8th day of September, 2009.

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19 _____
20 Earl H. Carroll
21 United States District Judge
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26 _____
27 ¹On September 1, 2009, the Magistrate filed a Notice of Error, clarifying that the
28 recommendation was to dismiss without prejudice and amending page 3, line 19 of the
Report and Recommendation to read "DISMISSED WITHOUT PREJUDICE." (Dkt. 12.)