

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

WOODROW NEAL, JR.

PETITIONER

v.

NO. 5:11CV00331 SWW/ HDY

RAY HOBBS, Director of the
Arkansas Department of Correction

RESPONDENT

ORDER

Petitioner Woodrow Neal, Jr., (“Neal”) commenced this proceeding by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. 2254. Respondent Ray Hobbs (“Hobbs”) has now filed a motion to dismiss the petition. See Document 11. He so maintains for the following two reasons:

2. Petitioner has neither sought nor received permission from the Eighth Circuit Court of Appeals to file this successive petition. Absent “an order authorizing the district court to consider the application[,]” 28 U.S.C. 2244(b)(3)(A), jurisdiction does not lie.

3. In 2011, Petitioner twice challenged his current confinement in St. Francis County Case No. CR 1997-202 to a conclusion in a proceeding brought pursuant to 28 U.S.C. 2254. While Petitioner raises no cognizable claims in his pending application, he essentially is either raising the same “claim” again attacking the same confinement that was at issue in his previous petitions, see 28 U.S.C. 2244(b)(1), or Petitioner failed to raise his pending “claim” in his prior two 2011 applications. See 28 U.S.C. 2244(b)(2). This application should be dismissed.

See Document 11 at 1-2. Before giving Hobbs' assertions serious consideration, the Court invites Neal to file a response to the motion. He is given up to, and including, March 7, 2012, to file a response.

IT IS SO ORDERED this 16 day of February, 2012.



UNITED STATES MAGISTRATE JUDGE