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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EARL A. LEE,
Petitioner,
v.
J. SOTO,
Respondent.

NO. CV 16-5470-ODW (AGR)

OPINION AND ORDER ON
PETITION FOR WRIT OF
HABEAS CORPUS
(SUCCESSIVE PETITION)

On March 30, 2016, Petitioner filed a Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254. Petitioner challenges his 2008 murder conviction in Los Angeles County Superior Court. Because he previously challenged that conviction here in a habeas action that the Court dismissed with prejudice, and because he lacks Ninth Circuit authorization for another such challenge, the Court lacks jurisdiction over the new petition.

I.

PROCEDURAL BACKGROUND

Pursuant to Fed. R. Evid. 201, the Court takes judicial notice of the records in Petitioner’s prior federal habeas corpus actions in the Central District.

1 play, the district court may not, in the absence of proper authorization from the
2 court of appeals, consider a second or successive habeas application.”) (citation
3 and quotation marks omitted).

4 Here, the Petition is a second or successive petition challenging the same
5 2008 conviction and/or sentence as in *Lee I*. Petitioner has not obtained the
6 required authorization from the Ninth Circuit for filing another habeas challenge to
7 the same conviction.

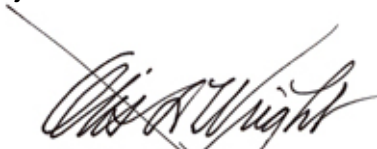
8 Rule 4 of the Rules Governing Section 2254 Cases in the United States
9 Courts provides that “[i]f it plainly appears from the face of the petition and any
10 attached exhibits that the petitioner is not entitled to relief in the district court, the
11 judge must dismiss the petition and direct the clerk to notify the petitioner.” Here,
12 summary dismissal is warranted.

13 **III.**

14 **ORDER**

15 IT IS HEREBY ORDERED that Judgment be entered summarily dismissing
16 the Petition and action for lack of subject matter jurisdiction.

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18 DATED: _September 12, 2016

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20 _____
21 OTIS D. WRIGHT II
22 United States District Judge
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