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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JORGE LUIS RUVALCABA,  
Petitioner,  
v.  
NEIL McDOWELL,  
Respondent.



NO. CV 16-6864-DOC (AGR)  
  
OPINION AND ORDER ON  
PETITION FOR WRIT OF  
HABEAS CORPUS  
(SUCCESSIVE PETITION)

On September 13, 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 multiple 2006 burglary convictions in Los Angeles County Superior Court. Because he previously challenged those convictions 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 *Cooper v. Calderon*, 274 F.3d 1270, 1274 (9th Cir. 2001) (“When the AEDPA is in  
2 play, the district court may not, in the absence of proper authorization from the  
3 court of appeals, consider a second or successive habeas application.”) (citation  
4 and quotation marks omitted).

5 Here, the Petition is a second or successive petition challenging the same  
6 2006 convictions as in *Ruvalcaba I*. Petitioner has not obtained the required  
7 authorization from the Ninth Circuit for filing another habeas challenge to the  
8 same conviction.

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

14 **III.**

15 **ORDER**

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

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19 DATED: September 28, 2016

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22 DAVID O. CARTER  
23 United States District Judge  
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