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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

RANCE HILL,) Case No. CV 16-7674-CAS(AJW)
)
Petitioner,) MEMORANDUM AND ORDER
) DISMISSING PETITION
v.)
)
NEIL McDOWELL,)
)
Respondent.)

On March 5, 2003, petitioner was convicted of assault with a deadly weapon, battery with serious bodily injury, and second degree robbery. The trial court found true the allegation that petitioner had suffered a prior felony conviction. Petitioner was sentenced to state prison for a term of twenty-one years. [See People v. Hill, 2004 WL 1344944].¹

Petitioner previously filed a petition for a writ of habeas corpus in this Court challenging his 2003 conviction. Case No. CV 06-5367-JSL (AJW). On October 5, 2010, judgment was entered denying the petition on the merits. Petitioner's requests for a certificate of appealability

¹ The California Court of Appeal affirmed petitioner's conviction, but vacated a one-year enhancement imposed based upon petitioner having served a prior prison term.

1 were denied by this Court and by the Court of Appeals.

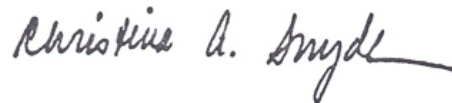
2 Petitioner filed the current petition for a writ of habeas corpus
3 on October 3, 2016. The petition, which complains about the trial
4 court's failure to grant petitioner pre-sentence custody credits,
5 constitutes another challenge to petitioner's 2003 conviction and
6 sentence.

7 "Before a second or successive application permitted by this
8 section is filed in the district court, the applicant shall move in the
9 appropriate court of appeals for an order authorizing the district
10 court to consider the application." 28 U.S.C. § 2244(b)(3)(A). Absent
11 authorization from the Court of Appeals, this Court lacks jurisdiction
12 over a successive petition. See Magwood v. Patterson, 561 U.S. 320,
13 330-331 (2010); Cooper v. Calderon, 274 F.3d 1270, 1274 (9th Cir.
14 2001), cert. denied, 538 U.S. 984 (2003).

15 Because petitioner has not obtained leave from the Court of
16 Appeals, the petition is dismissed for lack of jurisdiction.²

17 **It is so ordered.**

18 Dated: January 5, 2017



19
20 Cristina A. Snyder
21 United States District Judge
22
23

24 ² Ni-th Circuit Rule No. 22-3(a) provides that "[i]f a seco-d or
25 successive petitio- or motio-, or a- applicatio- for authorizatio- to
26 file such a petitio- or motio-, is mistake-ly submitted to the district
27 court, the district court shall refer it to the court of appeals."
28 Because the circumsta-ces i-dicate that petitio-er i-te-tio-ally filed
this actio- i- this Court, -ot that he did so mistake-ly, Rule 22-3(a)
is i-applicable. Nevertheless, the Clerk is directed to mail petitio-er
a copy of Ni-th Circuit Form 12 so that petitio-er may file a-
applicatio- for leave to file a seco-d or successive petitio- i- the
Court of Appeals.