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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

EDDIE BOYD CONNOR,  
Petitioner,  
v.  
U.S. DIST. COURT,  
Respondent.

NO. CV 17-3054-DDP(AGR)

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

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On April 24, 2017, Petitioner, a state inmate, filed a Petition for Writ of Habeas Corpus challenging his convictions in Los Angeles Superior Court Case No. BA209131 for murder, torture and arson. Because he previously challenged the same state court judgment in a habeas action that the Court dismissed with prejudice, and because he lacks Ninth Circuit authorization to file a successive petition, 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 action in the Central District.

1 In 2004, Petitioner filed a habeas petition in this court in *Connor v.*  
2 *Runnels*, No. CV 04-6866-DDP (FMO) (“*Connor I*”). He claimed that (1) he was  
3 deprived of post-arrest phone calls in violation of due process; (2) insufficient  
4 evidence supported the verdicts; and (3) the trial court erred in admitting  
5 evidence of his statements to police. (See *Connor I*, Dkt. No. 37 (R&R) at 6.)

6 On March 1, 2007, the Court accepted the Magistrate Judge’s  
7 recommendation and entered Judgment dismissing *Connor I* with prejudice on  
8 the merits. (See *Connor I*, Dkt. Nos. 44-45.) The Court denied a certificate of  
9 appealability. (*Connor I*, Dkt. No. 48.) On November 2, 2007, the Ninth Circuit  
10 denied a certificate of appealability. (*Connor I* Dkt. No. 53.)

11 On May 17, 2010, the Ninth Circuit denied Petitioner’s application for  
12 authorization to file a second or successive petition. (*Connor I*, Dkt. No. 55.)

## 13 II.

### 14 DISCUSSION

15 The Petition was filed after enactment of the Antiterrorism and Effective  
16 Death Penalty Act of 1996 (“AEDPA”). Therefore, the Court applies the AEDPA  
17 in reviewing the Petition. *Lindh v. Murphy*, 521 U.S. 320, 336 (1997).

18 The AEDPA provides, in pertinent part: “Before a second or successive  
19 application permitted by this section is filed in the district court, the applicant  
20 shall move in the appropriate court of appeals for an order authorizing the district  
21 court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). A district court  
22 does not have jurisdiction to consider a “second or successive” petition absent  
23 authorization from the Ninth Circuit. *Burton v. Stewart*, 549 U.S. 147, 152  
24 (2007); *Cooper v. Calderon*, 274 F.3d 1270, 1274 (9th Cir. 2001) (“When the  
25 AEDPA is in play, the district court may not, in the absence of proper  
26 authorization from the court of appeals, consider a second or successive habeas  
27 application.”) (citation and quotation marks omitted).

1 Here, the Petition is a second or successive petition challenging the same  
2 conviction and sentence imposed by the same judgment of the state court as in  
3 *Connor I.*

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

9 **III.**

10 **ORDER**

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

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15 DATED: June 13, 2017

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18 DEAN D. PREGERSON  
19 United States District Judge  
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