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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
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13 BRYANT K. UNDERWOOD,
14 Petitioner,
15 v.
16 R. BROOMFIELD, Warden,
17 Respondent.
18

Case No. CV 21-8676 AB (MRW)

**ORDER DISMISSING ACTION
WITHOUT PREJUDICE**

19 The Court summarily dismisses this action pursuant to the
20 successive habeas petition rule under 28 U.S.C. §§ 2243 and 2244.
21

* * *

22 1. Petitioner is currently serving a life term in state prison based
23 on his 2015 murder conviction for stabbing his cousin to death.

24 2. In this federal habeas action, Petitioner seeks to advance
25 Miranda and Brady challenges related to his original trial. (Docket # 1.)
26 In a separate statement, Petitioner also alluded to “newly found evidence”
27 regarding the crime and police investigation. (Docket # 6.)
28

1 another successive action. The successive action must be dismissed.
2 28 U.S.C. § 2244(b); Brown, 889 F.3d at 667; Prince, 733 F. App'x at 384.

3 11. Because the Court does not have jurisdiction to consider the
4 merits of Petitioner's habeas claims, it declines to take up the alternate
5 potential procedural problems with the new petition (that is, untimeliness
6 and lack of proper exhaustion).

7 * * *

8 The Court does not have jurisdiction to consider Petitioner's claims.
9 The action is DISMISSED without prejudice as successive.

10 IT IS SO ORDERED.



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13 Dated: January 11, 2022

14 _____
HON. ANDRE BIROTTE, JR.
UNITED STATES DISTRICT JUDGE

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16 Presented by:



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19 _____
HON. MICHAEL R. WILNER
20 UNITED STATES MAGISTRATE JUDGE