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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GILBERT H. ROBLES, JR.,)	CASE NO. ED CV 14-816-R (PJW)
)	
Petitioner,)	
)	ORDER DISMISSING
v.)	SECOND OR SUCCESSIVE HABEAS CORPUS
)	PETITION AND DENYING CERTIFICATE
BITER,)	OF APPEALABILITY
)	
Respondent.)	
_____)	

16 Before the Court is Petitioner's fourth attempt to challenge his
17 1996 state conviction for second degree murder. His first petition
18 was denied as untimely. See *Robles v. Court*, ED CV 12-158-R (PJW),
19 April 26, 2012 Order Accepting Report and Recommendation of United
20 States Magistrate Judge. This constituted a decision on the merits.
21 See *McNabb v. Yates*, 576 F.3d 1028, 1029-30 (9th Cir. 2009). His
22 second and third petitions were dismissed as second or successive.
23 See *Robles v. United States*, ED CV 13-284-R (PJW), March 6, 2013 Order
24 Dismissing Second or Successive Petition; *Robles v. Biter*, ED CV 14-
25 662-R (PJW), April 14, 2014 Order Dismissing Second or Successive
26 Petition. The instant petition, his fourth, is also second and/or
27 successive and is subject to dismissal on that ground. See 28 U.S.C.
28 § 2244; *McNabb*, 576 F.3d at 1029-30 (holding dismissal of habeas

1 petition for untimeliness renders subsequent petitions second or
2 successive). Absent an order from the Ninth Circuit Court of Appeals,
3 the Court does not have jurisdiction to entertain a second or
4 successive petition. See 28 U.S.C. § 2244(3)(A). For that reason,
5 the Petition is dismissed.

6 Further, the Court finds that Petitioner has not made a
7 substantial showing of the denial of a constitutional right or that it
8 erred in its procedural ruling and, therefore, a certificate of
9 appealability will not issue in this action. See 28 U.S.C.
10 § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.
11 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

12 IT IS SO ORDERED.

13 DATED: April 30, 2014.



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17 MANUEL L. REAL
UNITED STATES DISTRICT JUDGE

18 Presented by:



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21 PATRICK J. WALSH
UNITED STATES MAGISTRATE JUDGE
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