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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GILBERT ROBLES, JR.,	)	CASE NO. ED CV 18-327-R (PJW)
	)	
Petitioner,	)	
	)	ORDER DISMISSING
v.	)	SECOND OR SUCCESSIVE HABEAS CORPUS
	)	PETITION AND DENYING CERTIFICATE
UNITED STATES DISTRICT COURT,	)	OF APPEALABILITY
	)	
Respondent.	)	
	)	
	)	

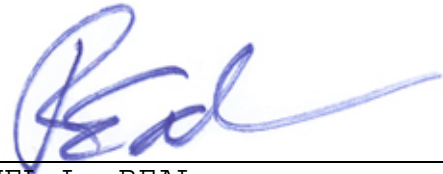
Before the Court is Petitioner's latest attempt to challenge his 1996 conviction for second degree murder. His first petition was denied as untimely. See *Robles v. Court*, ED CV 12-158-R (PJW), April 26, 2012 Order Accepting Report and Recommendation of United States Magistrate Judge. This constituted a decision on the merits. See *McNabb v. Yates*, 576 F.3d 1028, 1029-30 (9th Cir. 2009). Petitioner's numerous petitions since then have been dismissed as second or successive. (See *Robles v. United States*, ED CV 13-284-R (PJW), March 6, 2013 Order; *Robles v. Biter*, ED CV 14-662-R (PJW), April 14, 2014 Order; *Robles v. Biter*, ED CV 14-816-R (PJW), April 30, 2014 Order; *Robles v. Parent*, ED CV 14-1046-R (PJW), May 30, 2014 Order; *Robles v. Supreme Court*, ED CV 14-1927-R (PJW), September 22, 2014 Order; *Robles v. District Court*, ED CV 16-161-R (PJW), September 9, 2016 Order.)

1 The instant petition is also second and/or successive and is subject  
2 to dismissal on that ground. See 28 U.S.C. § 2244; *McNabb*, 576 F.3d  
3 at 1029-30 (holding dismissal of habeas petition for untimeliness  
4 renders subsequent petitions second or successive). Absent an order  
5 from the Ninth Circuit Court of Appeals, the Court does not have  
6 jurisdiction to entertain a second or successive petition. See 28  
7 U.S.C. § 2244(3)(A). For that reason, the Petition is dismissed.

8 Further, the Court finds that Petitioner has not made a  
9 substantial showing of the denial of a constitutional right or that it  
10 erred in its procedural ruling and, therefore, a certificate of  
11 appealability will not issue in this action. See 28 U.S.C.  
12 § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.  
13 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

14 IT IS SO ORDERED.

15 DATED: February 22, 2018.

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20 MANUEL L. REAL  
21 UNITED STATES DISTRICT JUDGE

22 Presented by:

23 

24 \_\_\_\_\_  
25 PATRICK J. WALSH  
26 UNITED STATES MAGISTRATE JUDGE

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