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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE L. YOUNGBLOOD,  
Petitioner,  
v.  
SUPERIOR COURT OF BUTTE CO., et  
al.,  
Respondents.

No. 2:13-cv-1490 GGH P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

Examination of the in forma pauperis affidavit reveals that petitioner is unable to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

The court's records reveal that petitioner has previously filed an application for a writ of habeas corpus attacking the conviction and sentence challenged in this case. The previous application was filed on May 2, 2011, and was denied on the merits on September 20, 2012. See Youngblood v. Donovan, 2:11-cv-1223 DAD. Before petitioner can proceed with the instant application, he must move in the United States Court of Appeals for the Ninth Circuit for an order

1 authorizing the district court to consider the application. 28 U.S.C. § 2244(b)(3). Therefore,  
2 petitioner's application must be dismissed without prejudice to its refiling upon obtaining  
3 authorization from the United States Court of Appeals for the Ninth Circuit.

4 In accordance with the above, IT IS HEREBY ORDERED that:

- 5 1. Petitioner's application to proceed in forma pauperis is granted; and
- 6 2. This action is dismissed without prejudice.

7 Dated: September 11, 2013

8 /s/ Gregory G. Hollows

9 UNITED STATES MAGISTRATE JUDGE

10 GGH:076/Youn1490.success

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