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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARRYL EDWARD LOWE,)	
)	
Petitioner,)	No. C 07-3190 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
ALBERTO GONZALES, et al.,)	(Docs # 2 & 3)
)	
Respondent(s).)	
_____)	

Petitioner has filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging an early 1990's conviction from Contra Costa County superior court. His first petition was denied on the merits on August 5, 1996. See Lowe v. Roe, No. C 95-4117 CAL (N.D. Cal. Aug. 5, 1996) (order denying petition for a writ of habeas corpus).

A second or successive petition may not be filed in this court unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained such an order from the Ninth Circuit. The petition accordingly is DISMISSED without prejudice to refile if petitioner obtains the necessary order.

The clerk shall terminate all pending motions as moot (see, e.g., docs # 2 & 3) and close the file. No fee is due.

SO ORDERED.

DATED: June 19, 2007



CHARLES R. BREYER
United States District Judge