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

MARK W. ALLEN,	)	
	)	
Petitioner,	)	No. C 09-1129 CRB (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
TERESA SCHWARTZ, Warden,	)	(Doc # 2 & 3)
	)	
Respondent.	)	

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Petitioner, a state prisoner currently incarcerated at the California Medical Facility, has filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254. His first petition was denied on the merits on December 14, 2006. See Allen v. Schwartz, No. C 05-2107 CRB (PR) (N.D. Cal. Dec. 14, 2006) (order denying petition for 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 refiling if petitioner obtains the necessary order.

The clerk shall terminate all pending motions as moot and close the file.

SO ORDERED.

DATED: 03/20/09

  
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 CHARLES R. BREYER  
 United States District Judge