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

MONTE L. HANEY, V-72062,	)	
	)	
Petitioner,	)	No. C 12-6535 CRB (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
D. G. ADAMS, Warden,	)	(Docket # 2)
	)	
Respondent.	)	
_____	)	

Petitioner, a state prisoner incarcerated at California State Prison, Sacramento, 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 May 1, 2009. See Haney v. Adams, No. C 07-4682 (N.D. Cal. May 1, 2009) (order).

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. But based solely on his affidavit of poverty, petitioner's motion to proceed in forma pauperis (docket # 2) is granted.

The clerk shall close the file.

SO ORDERED.

DATED: Jan. 3, 2013

  
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 CHARLES R. BREYER  
 United States District Judge