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

CEDRIC T. GREEN, K-93505,	)	
	)	
Petitioner,	)	No. C 13-4667 CRB (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
WILLIAM KNIPP, Warden,	)	(Docket #5)
	)	
Respondent.	)	
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Petitioner, a state prisoner at Mule Creek State Prison, has filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a 1998 conviction from San Mateo County Superior Court. His first petition was dismissed as untimely on October 22, 2003. See Green v. Knowles, No. C 02-5455 CRB (PR) (N.D. Cal. October 22, 2003) (order granting respondent’s motion to dismiss).


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.

Based solely on his affidavit of poverty, petitioner’s request to proceed in forma pauperis (docket #5) is GRANTED.

The clerk shall enter judgment and close the file.

SO ORDERED.

DATED: Nov. 8, 2013

  
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 CHARLES R. BREYER  
 United States District Judge