

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAJEFF A. HAWKINS,  
Petitioner,

v.

CLARK DUCART,  
Respondent.Case No. [17-cv-00333-WHO](#) (PR)**ORDER RE: PENDING MOTIONS**

Dkt. Nos. 16 and 17

This federal habeas corpus action was dismissed as second or successive, and judgment was entered in favor of respondent, in February 2017. (Dkt. Nos. 10 and 11.) Petitioner Hawkins's appeal and his request to file a second or successive petition were denied by the Ninth Circuit in April and October of 2017. (Dkt. Nos. 14 and 15.)

Hawkins now asks me to (i) reconsider its dismissal order and reopen the action; (ii) extend time for him to file a petition for writ of certiorari in the U.S. Supreme Court; and (iii) appoint counsel. (Dkt. Nos. 16 and 17.)

These motions are DENIED. Because the Ninth Circuit refused to authorize the filing of a second or successive petition, I lack authority to reconsider its dismissal order or to reopen the action. 28 U.S.C. § 2244(b); *Burton v. Stewart*, 549 U.S. 147, 151 (2007) (district court lacked jurisdiction to consider a second or successive petition because petitioner had not obtained permission from the appellate court to file the petition).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

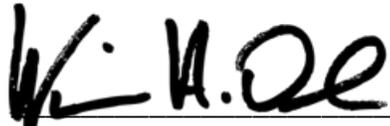
I also lack authority to extend the time to file a petition in the U.S. Supreme Court. Hawkins will have to direct such a request to the Supreme Court itself.

While I can appoint counsel to assist persons in litigating their cases in this court, I cannot appoint counsel to assist persons who are pursuing legal actions not in this court, such as appeals or petitions for certiorari writs. Hawkins will have to request the appointment of counsel from another court from which he seeks relief.

The Clerk shall terminate Dkt. Nos. 16 and 17.

**IT IS SO ORDERED.**

**Dated:** March 12, 2018

  
\_\_\_\_\_  
WILLIAM H. ORRICK  
United States District Judge