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

WILLIAM SOTO, G49875,)	
)	
Petitioner,)	No. C 17-2224 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
CHRISTIAN PFEIFFER, Warden,)	(ECF No. 3)
)	
Respondent.)	

Petitioner, a state prisoner incarcerated at Kern Valley State Prison, has filed a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a 2009 conviction from Sonoma County Superior Court. His first petition was dismissed on the merits on November 8, 2011. See Soto v. McDonald, No. C 11-3050 CRB (PR) (N.D. Cal. Nov. 8, 2011) (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 refile if petitioner obtains the necessary order, but based solely on his affidavit of poverty, petitioner’s request to proceed in forma pauperis (ECF No. 3) is GRANTED.

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

SO ORDERED.

DATED: April 26, 2017



CHARLES R. BREYER
United States District Judge