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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREGORY LEE GRAY,

Petitioner,

No. C 09-2461 PJH (PR)

vs.

ORDER OF DISMISSAL

D. L. RUNNELS, Warden,

Respondent.

This is a habeas case brought pro se by a state prisoner. Petitioner has, however, had a previous case attacking the same judgment, *Gray v. Runnels*, C 01-2880 PJH (PR). That case was dismissed as barred by the statute of limitations and the dismissal was affirmed on appeal. This thus is a second or successive petition.

A habeas petitioner may not file a second or successive petition unless he or she first obtains from the appropriate United States Court of Appeals an order authorizing the filing. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained such an order from the Ninth Circuit. The petition is accordingly **DISMISSED** without prejudice to filing a new petition if petitioner obtains the necessary order.

The clerk shall close the file.

IT IS SO ORDERED.

Dated: June 12, 2009.



PHYLLIS J. HAMILTON
United States District Judge

United States District Court
For the Northern District of California