

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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ROBERT A. SANCHEZ,

Petitioner,

No. C 11-1237 PJH (PR)

vs.

**ORDER OF DISMISSAL**

FRANCISCO JACQUEZ, Warden,

Respondent.

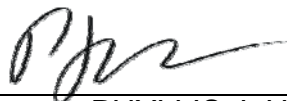
This is a habeas case brought pro se by a state prisoner. Respondent has moved to dismiss, pointing out that the judgment attacked and the claims presented in this petition are the same as those already before the court in *Sanchez v. Jacquez*, C 10-5561 PJH (PR). The motion is unopposed.

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 in this case accordingly is **DISMISSED** without prejudice.

Because reasonable jurists would not find the court's ruling debatable or wrong, a certificate of appealability is **DENIED**. See Rule 11(a), Rules Governing § 2254 Cases, 28 U.S.C. foll. § 2254; see also 28 U.S.C. § 2253(c) (COA requirement); *Slack v. McDaniel*, 529 U.S. 473, 483 (2000) (standard). The clerk shall close the file.

**IT IS SO ORDERED.**

Dated: November 14, 2011.



PHYLLIS J. HAMILTON  
United States District Judge