

**United States District Court
For the Northern District of California**

11 Petitioner, a state prisoner, filed this pro se petition for writ of habeas corpus pursuant to 28
12 U.S.C. § 2254 and an application for leave to proceed in forma pauperis (IFP).

13 Petitioner filed a previous petition for a writ of habeas corpus with this Court, challenging
14 the same conviction and sentence. See Washington v. Lamarque, Case No. C 02-2146 MJJ (PR)
15 (2002 petition). The Court denied the 2002 petition on the merits. Petitioner also filed two
16 subsequent petitions, which were denied as successive. See Washington v. State of California, Case
17 No. C 09-4355 SBA (PR); Washington v. Haviland, Case No. C 09-0978 SBA (PR). More recently,
18 on November 20, 2012, Petitioner filed another subsequent petition, which was also denied as
19 successive. See Washington v. People of California, Case No. C 12-5930 SBA (PR).

The Court finds the present petition is a second or successive petition attacking the same conviction and sentence as Petitioner's 2002 petition and three subsequent petitions. A second or successive petition containing new claims may not be filed in the district court unless Petitioner first obtains from the United States Court of Appeals an order authorizing the district court to consider the petition. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not done so.¹ Accordingly,

28 ¹ Petitioner claims that he "filed in the Court of Appeal on the request of this Court to seek permission that would allow Petitioner to proceed in this Court." (Docket No. 1 at 2.) However, Petitioner does not indicate that he obtained an order from the Ninth Circuit authorizing this Court to consider the instant petition.

1 IT IS HEREBY ORDERED THAT the petition is DISMISSED pursuant to 28 U.S.C. §
2 2244(b) without prejudice to filing a new habeas action if Petitioner obtains the necessary order
3 from the Court of Appeal. Based solely on Petitioner's lack of financial resources, his application to
4 proceed IFP (docket no. 6) is GRANTED. The Court has rendered its final decision on this matter;
5 therefore, this Order TERMINATES Petitioner's case and all pending motions (docket nos. 1, 7) are
6 DENIED as moot.

7 IT IS SO ORDERED.

8 DATED: 10/10/2013


9 SAUNDRA BROWN ARMSTRONG
10 UNITED STATES DISTRICT JUDGE