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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

BOBBY R. WILLIAMS,

Petitioner,

No. C 13-5266 PJH (PR)

vs.

R. GROUNDS,

Respondent.

**ORDER GRANTING LEAVE  
TO PROCEED IN FORMA  
PAUPERIS, DISMISSING  
PETITION, AND DENYING  
CERTIFICATE OF  
APPEALABILITY**

This is a habeas case filed pro se by a state prisoner. Petitioner was convicted of first degree murder and sentenced on December 20, 1994. Petitioner has filed many petitions in state court and this is his fifth petition in this federal district court. Before a second or successive petition may be filed in the district court, the petitioner must first obtain an order from the court of appeals authorizing the district court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A).

His previous petitions were dismissed as unexhausted, untimely or for failure to prosecute. His fourth petition was dismissed as successive and he was informed that he must obtain an order from the court of appeals to proceed. See *Williams v. Kirkland*, 05-4674 SBA (pr). Thus, this is a successive petition and will be dismissed as there is no indication petitioner has received an order from the court of appeals.

Petitioner's motion for leave to proceed in forma pauperis (Docket No. 2) is **GRANTED**. His motion to appoint counsel (Docket No. 4) is **DENIED** as the petition is **DISMISSED** for the reasons set out above. Because reasonable jurists would not find the result here debatable, a certificate of appealability ("COA") is **DENIED**. See *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000) (standard for COA). The clerk shall close the file.

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**IT IS SO ORDERED.**

Dated: December 5, 2013.



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PHYLLIS J. HAMILTON  
United States District Judge

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