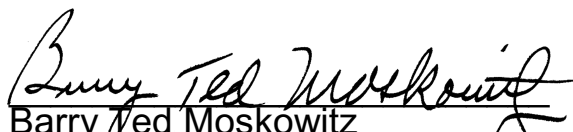


1 request for a certificate of appealability with the Ninth Circuit (Doc. 43),
2 which was denied as duplicative on September 9, 2013 (Doc. 45). On
3 September 26, 2013, the Ninth Circuit denied Petitioner's request for leave
4 to file a successive § 2254 petition and further ordered, pursuant to 28
5 U.S.C. § 2244(b)(3)(E), that "No petition for rehearing or motion for
6 consideration shall be filed or entertained in this case." (Doc. 46.)

7 Petitioner has nonetheless filed another motion for relief pursuant to
8 Rule 60(b)(6). (Doc. 47.) "Rule 60(b)(6) . . . permits reopening when the
9 movant shows 'any . . . reason justifying relief from the operation of the
10 judgement' other than the more specific circumstances set out in Rules
11 60(b)(1)-(5)." Gonzalez v. Crosby, 545 U.S. 524, 529 (2005). A Rule 60(b)
12 motion may not, however, be used to circumvent the rules for filing
13 successive petitions. Id. at 531. Thus, the Supreme Court has held that a
14 Rule 60(b) motion filed after the denial of a habeas corpus petition on the
15 merits that seeks to add new grounds for relief is a successive petition under
16 28 U.S.C. § 2254(b)(3). Id. Petitioner has not obtained the permission of the
17 Court of Appeals to file a successive petition as required by 28 U.S.C. §
18 2244. As stated in the December 16, 2010 and September 26, 2013 orders,
19 the Court lacks jurisdiction to entertain Petitioner's motion. The Court
20 accordingly construes the motion as a successive § 2254 petition and
21 **DENIES** the motion. A certificate of applicability is **DENIED**.

22
23 **IT IS SO ORDERED.**

24 DATED: September 3, 2014

25 
26 Barry Ted Moskowitz
27 Chief United States District Judge
28