

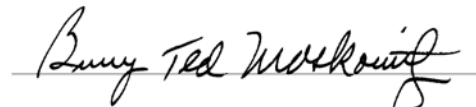
1 sentencing court.”) Accordingly, Barba may not seek coram nobis relief.

2 To the extent the Court construes Barba’s Petitioner as a Petition for Writ of Habeas
3 Corpus, Barba’s Petition is successive. Barba challenged the same conviction and raised
4 the same ground regarding erroneous jury instructions in a habeas petition filed in Case No.
5 99cv0638 JM(JFS). The habeas petition was denied on August 18, 2000. A claim presented
6 in a second or successive habeas corpus application that was presented in a prior
7 application shall be dismissed. 28 U.S.C. § 2244(b)(1). Moreover, before filing a successive
8 petition, the petitioner must file a motion with the Ninth Circuit Court of Appeals for an order
9 authorizing the district court to consider the petition. 28 U.S.C. § 2244 (b)(3). It does not
10 appear that Barba has satisfied this pre-filing requirement.

11 For all of these reasons, this case is **DISMISSED**. The Clerk shall enter judgment
12 accordingly.

13 **IT IS SO ORDERED.**

14 DATED: July 21, 2010



Honorable Barry Ted Moskowitz
United States District Judge

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