

1 January 4, 1996 in case No. 93cv1554 R (LSP) [Doc. No. 18].) Petitioner did not appeal
2 that determination.

3 On February 11, 2004, Petitioner filed in this Court a Petition for Writ of Habeas
4 Corpus in case No. 04cv0292 W (JMA). In that petition, Petitioner again challenged his
5 conviction in San Diego Superior Court case No. CR-84617. On February 23, 2004, this
6 Court dismissed the petition as successive pursuant to 28 U.S.C. § 2244(b)(3)(A). (*See*
7 Order filed February 23, 2004 in case No. 04cv0292 W (JMA) [Doc. No. 2].) Petitioner
8 did not appeal that determination.

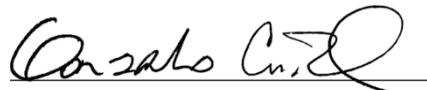
9 Petitioner is now seeking to challenge the same conviction he challenged in his
10 prior federal habeas petitions. Unless a petitioner shows he or she has obtained an Order
11 from the appropriate court of appeals authorizing the district court to consider a
12 successive petition, the petition may not be filed in the district court. *See* 28 U.S.C.
13 § 2244(b)(3)(A). Here, there is no indication the Ninth Circuit Court of Appeals has
14 granted Petitioner leave to file a successive petition.

15 **CONCLUSION**

16 Because there is no indication Petitioner has obtained permission from the Ninth
17 Circuit Court of Appeals to file a successive petition, this Court cannot consider his
18 Petition. Accordingly, the Court **DISMISSES** this action without prejudice to Petitioner
19 filing a petition in this court if he obtains the necessary order from the Ninth Circuit
20 Court of Appeals. *The Clerk of Court is directed to mail Petitioner a blank Application*
21 *to File a Second or Successive Petition or Motion Under 28 U.S.C. § 2254 together*
22 *with a copy of this Order.*

23 **IT IS SO ORDERED.**

24 Dated: March 23, 2016

25 
26 Hon. Gonzalo P. Curiel
27 United States District Judge
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