

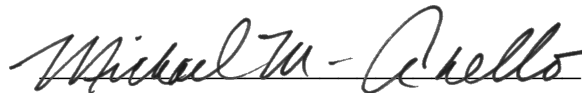
1 once again has jurisdiction.¹

2 In its opinion, the Ninth Circuit noted that Petitioner previously filed a § 2254
3 petition challenging the same California conviction for second-degree felony murder.
4 *See* S.D. Cal. Case No. 3:98-cv-1533-J-POR. That petition was denied with prejudice on
5 September 30, 1990, and the Ninth Circuit affirmed in *Dew v. Clarke*, 424 F.3d 381 (9th
6 Cir. 2000). Moreover, the Ninth Circuit indicated that Petitioner has neither sought nor
7 been granted authorization to file a second or successive § 2254 petition. *See* Doc. No.
8 19 at 2. Thus, the Court lacked jurisdiction to entertain the second petition.

9 Accordingly, in light of the Ninth Circuit's order, the Court **DISMISSES** the
10 second or successive petition for writ of habeas corpus for lack of jurisdiction pursuant to
11 28 U.S.C. § 2244(b) without prejudice. *See* *Burton v. Stewart*, 549 U.S. 147, 157 (2007).

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13 **IT IS SO ORDERED.**

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15 Dated: January 4, 2019

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17 HON. MICHAEL M. ANELLO
18 United States District Judge
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27 ¹ Due to a clerical error, the Court previously issued an order dismissing the petition prior to the
28 Ninth Circuit issuing the formal mandate; thus, the Court lacked subject matter jurisdiction over the
action at that time. *See* Doc. No. 20. However, the Court once again has subject matter jurisdiction over
the action and reissues its previous order of dismissal.