

FILED

United States Court of Appeals
Tenth CircuitUNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

June 4, 2013

Elisabeth A. Shumaker
Clerk of Court

In re:

MICHAEL DOYLE,

Movant.

No. 13-1190
(D.C. No. 1:07-CV-01358-WYD-KMT)
(D. Colo.)

ORDER

Before **KELLY, GORSUCH, and MATHESON**, Circuit Judges.

On May 2, 2013, Michael Doyle, a Colorado state prisoner appearing pro se, filed a motion seeking authorization under 28 U.S.C. § 2244(b) to file a second or successive habeas petition under 28 U.S.C. § 2254. Mr. Doyle has a history of filing repetitive motions for authorization under § 2254, which led this court to order that

Any further applications filed by Mr. Doyle for leave to file additional collateral attacks on his Colorado conviction for second degree murder will be deemed denied on the thirtieth day unless this court otherwise orders. *See Berryhill v. Evans*, 466 F.3d 934, 936 (10th Cir. 2006) (noting imposition of same sanction after prisoner's fourth request for leave to file a second or successive habeas petition).

In re Doyle, No. 13-1088, slip op. at 3 (10th Cir. Mar. 14, 2013).

The matter before us is Mr. Doyle's fifth attempt to collaterally attack his second degree murder conviction. Thirty days have passed since he filed his motion seeking authorization, and we deem it denied.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", written over a horizontal dotted line.

ELISABETH A. SHUMAKER, Clerk