

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

<p>RAYMOND DORMAN,</p> <p style="padding-left: 40px;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>WARDEN, NEW JERSEY STATE PRISON, and ATTORNEY GENERAL OF THE STATE OF DELAWARE,</p> <p style="padding-left: 40px;">Respondents.</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>C.A. No. 13-420-RGA</p>
--	---	----------------------------

MEMORANDUM

Petitioner Raymond Dorman's pending Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 ("Petition") challenges his 1987 convictions for assault in a detention facility, promoting prison contraband, and three related weapons offenses. (D.I. 1) Dorman (using the name Askia Saafir Tai Bey) was already denied habeas relief for these same convictions on one prior occasion, when the Honorable Sue L. Robinson dismissed his first petition as time-barred. *See Bey v. N.J. Ass't Super. Hendricks*, 2000 WL 777863 (Del. June 14, 2000).

The instant Petition is a second or successive habeas petition under 28 U.S.C. § 2244, because the denial of Dorman's first petition as time-barred constitutes an adjudication on the merits for the purposes of 28 U.S.C. § 2244(b), and the instant Petition asserts a claim that either was or could have been asserted in Dorman's first petition. *See Murray v. Greiner*, 394 F.3d 78, 80 (3d Cir. 2005); *Benchoff v. Colleran*, 404 F.3d 812, 817-18 (3d Cir. 2005). Dorman has not obtained authorization from the Third Circuit Court of Appeals to file this successive habeas request. *See* 28 U.S.C. §§

2244(b)(2)(B) & (3). Accordingly, the Court will dismiss the Petition for lack of jurisdiction. See Rule 4, 28 U.S.C. foll. § 2254; *Robinson v. Johnson*, 313 F.3d 128, 139 (3d Cir. 2002). A separate Order will be entered.

May 14, 2013
DATE


UNITED STATES DISTRICT JUDGE