

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

NATHAN JEROME MACK,

Petitioner,

-vs-

Case No. 8:06-cv-168-T-24MSS

JAMES V. CROSBY, JR.,

Respondent.

ORDER

This cause is before the Court on Petitioner's successive 28 U.S.C. § 2254 petition for writ of habeas corpus challenging his 1990 conviction entered by the Circuit Court for the Sixth Judicial Circuit, Pinellas County, Florida. Petitioner previously filed a petition challenging the same conviction in case no. 8:02-cv-1869-T-24TGW. The Court dismissed the petition as time-barred. Judgment against Petitioner was entered March 25, 2003. Petitioner did not appeal.

On April 24, 1996, the President signed into law several habeas corpus amendments, one of which places limits on the filing of second or successive petitions. The amendment provides in pertinent part that before a second or successive application for habeas corpus relief is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application. 28 U.S.C. § 2244(b)(3)(A). Although Petitioner filed the instant petition after the enactment of the aforescribed amendment, and the present petition is clearly a

second or successive petition, Petitioner has not shown that he has applied to the court of appeals for an order authorizing this court to consider his application.

Accordingly, the Court orders:

That Petitioner's petition for writ of habeas corpus is dismissed. The Clerk is directed to close this case and to send Petitioner the Eleventh Circuit's application form for second or successive habeas corpus petitions under 28 U.S.C. § 2244(b). The Clerk is directed to enter judgment accordingly.

ORDERED at Tampa, Florida, on February 1, 2006.


SUSAN C. BUCKLEW
United States District Judge

Nathan Jerome Mack