

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ALLEN LLOYD PENOYER,

Petitioner,

v.

Case No. 8:07-cv-114-T-17MAP

SECRETARY, DEPARTMENT OF
CORRECTIONS,

Respondent.

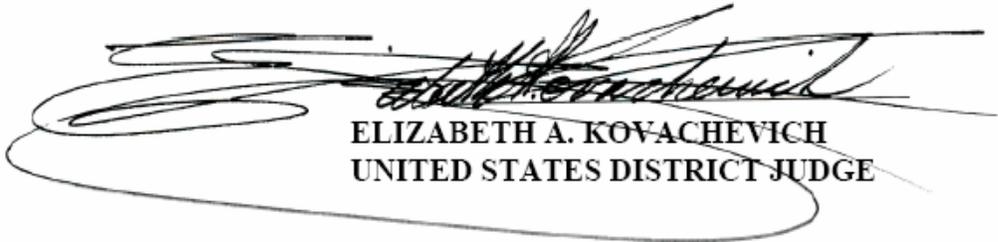
ORDER

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 against petitioner Penoyer and to close this case.

ORDERED at Tampa, Florida, on January 23, 2007.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Allen Lloyd Penoyer