

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOSIE LEE BEDFORD,

Petitioner,

-vs-

Case No. 8:17-cv-573-T-27TGW

**SECRETARY, DEPARTMENT
OF CORRECTIONS,**

Respondent.

ORDER

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Dkt. 1) challenging convictions for robbery with a firearm and felon in possession of a firearm entered in 2002 by the Thirteenth Judicial Circuit Court, Hillsborough County, Florida.

Because Petitioner filed his request for federal habeas relief after the enactment date of the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), the petition is governed by the AEDPA. *See Wilcox v. Singletary*, 158 F.3d 1209, 1210 (11th Cir. 1998), *cert. denied*, 531 U.S. 840 (2000). The AEDPA establishes a "gatekeeping" mechanism for the consideration of "second or successive habeas corpus applications" in federal courts. *see* 28 U.S.C. § 2244(b). *See Stewart v. Martinez-Villareal*, 523 U.S. 637, 641-42 (1998). Section 2244(b) provides 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).

Petitioner has previously sought federal habeas relief regarding the convictions he challenges. *See Bedford v. Secretary, Department of Corrections*, 8:08-cv-115-T-26TBM (M.D. Fla. 2008)

(denied May 12, 2009). Because Petitioner has not shown that he applied to the court of appeals for authorization for the court to consider his second petition, this court lacks jurisdiction. *See Gilreath v. State Bd. of Pardons & Paroles*, 273 F.3d 932, 933 (11th Cir. 2001). Accordingly,

1. Petitioner's petition (Dkt. 1) is **DISMISSED** without prejudice.
2. The **Clerk** is directed to send Petitioner the Eleventh Circuit's application form for second or successive habeas corpus petitions under 28 U.S.C. § 2244(b), and close this case.

DONE and ORDERED on March 13th, 2017.


JAMES D. WHITTEMORE
United States District Judge

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Pro se Petitioner