

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

KASHMIR LaJUAN BRAY ,)	
)	
Petitioner,)	
)	
v.)	No. 2:11 CV 390
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION and ORDER

Kashmir LaJuan Bray, a *pro se* prisoner, filed this habeas corpus petition attempting to challenge his 2006 child molestation conviction by the Lake Superior Court: *State v. Bray*, 45G04-0509-FA-48 (judgment entered April 4, 2006). This is not the first time that Bray has brought a habeas corpus petition challenging that conviction. In *Bray v. Superintendent*, 2:10-CV-302 (N.D.Ind. filed July 26, 2010), Bray sought to challenge the same conviction he is challenging here. The court found that the petition was untimely and final judgment was entered August 9, 2010.

Regardless of whether the claims that Bray is now attempting to present are new or whether they were presented in his previous petition, this petition must be dismissed because this court lacks jurisdiction to consider them. "A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed." 28 U.S.C. § 2244(b)(1). Therefore any claims previously presented must be dismissed. Any claim not previously presented must also be dismissed because "before a second or successive application permitted by this section

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). Here, Bray has not obtained an order from the Seventh Circuit permitting him to proceed with any previously unrepresented claims. “A district court must dismiss a second or successive petition . . . unless the court of appeals has given approval for its filing.” *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996) (emphasis in original).

Therefore any previously unrepresented claims must also be dismissed.

For the foregoing reasons, this case is **DISMISSED** for want of jurisdiction.

SO ORDERED.

Date: November 14, 2011

s/ James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT