

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JERRY D. WHITE,)	
)	
Petitioner,)	
)	
v.)	No. 3:15 CV 52
)	
SUPERINTENDENT)	
)	
Respondent.)	

ORDER

Jerry D. White, a *pro se* prisoner, filed a motion to reconsider the order dismissing this habeas corpus petition pursuant to Federal Rule of Civil Procedure 60(b). A Rule 60(b) motion which argues the merits of a claim is a successive petition. *See Gonzalez v. Crosby*, 545 U.S. 524, 532 (2005). "A district court *must* dismiss a second or successive petition, without awaiting any response from the government, 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). White has not been authorized by the Seventh Circuit to file a successive habeas corpus petition. Therefore the court lacks jurisdiction to rule on his motion.

For these reasons, the Rule 60(b) motion (DE # 32) is **DENIED** for lack of jurisdiction.

SO ORDERED.

Date: December 13, 2017

s/James T. Moody

JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT