

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

MICHAEL MAXIE,)	
)	
Petitioner,)	
)	
v.)	No. 3:15 CV 380
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Michael Maxie, a *pro se* prisoner, filed a habeas corpus petition attempting to challenge his convictions and sentence by the Elkhart Superior Court under cause number 20D01-0812-FC-102. In *Maxie v. Superintendent*, 3:14-CV-1444 (N.D. Ind. filed April 24, 2014), Maxie challenged those same convictions. The court denied habeas corpus relief in that case and entered judgment on April 17, 2014. *Id.*, DE # 33 and 34. Maxie appealed, but the U.S. Court of Appeals for the Seventh Circuit dismissed the appeal for lack of jurisdiction on August 7, 2015. *Maxie v. Neal*, 15-2159 (7th Cir. filed April 29, 2015).

Here, Maxie is merely attempting to raise the same claims he previously presented and has even attached copies of pages from his prior petition. “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). Here, because the

Seventh Circuit has not authorized this successive petition, this court lacks jurisdiction and it must be dismissed.

For these reasons, the petition (DE # 1) is **DISMISSED** for lack of jurisdiction. Michael Maxie is **CAUTIONED** that if he files another unauthorized successive petition, he will be fined and sanctioned.

SO ORDERED.

Date: September 2, 2015

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