

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**

JERRY A. BONDS,	)	
	)	
Petitioner,	)	
	)	
v.	)	CAUSE NO.: 3:16-CV-652-TLS
	)	
SUPERINTENDENT,	)	
	)	
Respondent.	)	

**OPINION AND ORDER**

Jerry A. Bonds, a prisoner proceeding pro se, filed a habeas corpus petition pursuant to 28 U.S.C. § 2254 challenging his 1998 plea-based conviction and sentence in Marion County Superior Court in Case No. 49G02-9807-CF-107714. In *Bonds v. Superintendent*, 3:08-CV-320 (N.D. Ind. filed July 8, 2008), Bonds challenged this same 1999 conviction. His petition was denied in June 2009. (*Id.*, ECF No. 7.) Bonds appealed, but his request for a certificate of appealability was denied by the U.S. Court of Appeals for the Seventh Circuit. (*Id.*, ECF Nos. 33–34.)

This court lacks jurisdiction to hear an unauthorized successive habeas corpus petition. *Burton v. Stewart*, 549 U.S. 147, 157 (2007). As stated above, Bonds already filed a federal habeas petition challenging his 1998 conviction. Regardless of whether the claims he is attempting to present are new or the same as those previously presented, the petition must be dismissed. “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). Under certain circumstances new claims may be presented, however:

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).

Bonds has not obtained an order from the U.S. Court of Appeals for the Seventh Circuit permitting him to proceed with any new claims. “A district court *must* dismiss a second or successive petition, without awaiting any response from the [state], unless the court of appeals has given approval for its filing.” *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996).

For the reasons set forth above, the Petition [ECF No. 1] is **DISMISSED** for lack of jurisdiction.

SO ORDERED on October 4, 2016.

s/ Theresa L. Springmann  
THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT  
FORT WAYNE DIVISION