

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

MICHAEL A. MAXIE,)	
)	
Petitioner,)	
)	
vs.)	CAUSE NO. 3:17CV438-PPS
)	
INDIANA ATTORNEY GENERAL,)	
)	
Respondent.)	

OPINION AND ORDER

Michael A. Maxie, a petitioner without an attorney, filed an amended habeas corpus petition challenging his convictions and sentence by the Elkhart Superior Court on February 28, 2011, under cause number 20D01-0812-FC-102. This is not the first time that he has brought a habeas corpus petition challenging that conviction. In *Maxie v. Superintendent*, 3:14-cv-1444 (N.D. Ind. filed April 24, 2014), the court addressed the merits of his claims and denied his habeas corpus petition on April 17, 2015. He filed an untimely notice of appeal which the Seventh Circuit dismissed for lack of jurisdiction on August 7, 2015.

As such, this is a successive petition. However, Maxie has not been authorized to file a successive petition as required by 28 U.S.C. § 2244(b)(3)(A). “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). Therefore I must dismiss this case because this court lacks jurisdiction to hear it.

ACCORDINGLY:

The petition is **DISMISSED** for want of jurisdiction and the clerk is **DIRECTED** to close this case.

SO ORDERED.

ENTERED: July 21, 2017

/s/ Philip P. Simon
Judge
United States District Court