

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

TIMOTHY ROBERTSON (#129349)

CIVIL ACTION

VERSUS

17-669-BAJ-RLB

JAMES LEBLANC, ET AL.

ORDER

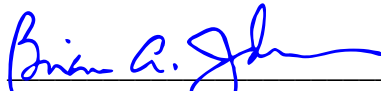
This matter comes before the Court on the plaintiff's Petition for Writ of Habeas Corpus (R. Doc. 1). On or about September 20, 2017, the plaintiff filed a 28 U.S.C. § 2254 application herein challenging his conviction for armed robbery, entered in the Parish of East Baton Rouge in 2002.

The petitioner has previously filed a petition for writ of habeas corpus in this Court regarding the same conviction. *See Robertson v. James LeBlanc, et al.*, 08-cv-478 (M.D. La.). 28 U.S.C. § 2244(b)(1) and (2) authorize dismissal of "second and successive" habeas corpus petitions, and § 2244(b)(3) directs a petitioner filing a "second and successive" habeas to obtain authorization from the appropriate Court of Appeals before filing the petition in District Court.

The instant Petition is another attempt to collaterally attack the petitioner's state court conviction, and the petitioner's claims are clearly successive. As the petitioner has not yet received permission from the Court of Appeals to file this successive petition in the District Court as required by statute, this Court lacks jurisdiction to consider his claims. Accordingly,

IT IS ORDERED that the Petition (R. Doc. 1) be deemed successive, and that it be **DISMISSED** for lack of jurisdiction because petitioner did not obtain permission from the United States Court of Appeals for the Fifth Circuit prior to filing.

Baton Rouge, Louisiana, October 6, 2017.



BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA