

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRUCE WILLIAMS,

Petitioner,

Civil Action No. 10-CV-13156

v.

HON. BERNARD A. FRIEDMAN

CARMEN PALMER,

Respondent.

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**ORDER TRANSFERRING CASE TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT PURSUANT TO 28 U.S.C. § 2244(b)(3)(A)**

Prisoner Bruce Williams has filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging his 1988 convictions for one count of second-degree murder, one count of armed robbery, and two counts of possession of a firearm during the commission of a felony. Following a bench trial, petitioner was sentenced to concurrent terms of 50 to 125 years imprisonment on the murder and robbery convictions and concurrent terms of two years imprisonment on the felony firearm convictions, to be served consecutively to the other sentences. Petitioner has previously filed a habeas petition in federal court challenging the same convictions. The court thus concludes that it must transfer this case to the United States Court of Appeals for the Sixth Circuit.

Under the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), codified at 28 U.S.C. § 2241 *et seq.*, an individual seeking to file a “second or successive” habeas petition must ask the appropriate court of appeals for an order directing the district court to consider the petition. *See* 28 U.S.C. § 2244(b)(3)(A); *Stewart v. Martinez-Villareal*, 523 U.S. 637, 641 (1998); *In re Wilson*, 142 F.3d 939, 940 (6th Cir. 1998). This requirement transfers to the court of

appeals a screening function which the district court previously performed. *See Felker v. Turpin*, 518 U.S. 651, 664 (1996).

Petitioner has previously filed a habeas petition in federal court challenging the same state court convictions at issue in this case, which was dismissed for failure to comply with the one-year statute of limitations applicable to federal habeas actions. *See Williams v. Price*, No. 01-CV-74016 (E.D. Mich. Mar. 29, 2002) (Borman, J.). The Sixth Circuit denied a certificate of appealability. *See Williams v. Price*, No. 02-1510 (6th Cir. Sept. 26, 2002). Petitioner also filed a second federal habeas petition challenging the same convictions, which was transferred to the Sixth Circuit, *see Williams v. McKee*, No. 08-CV-12351 (E.D. Mich. June 27, 2008) (Cleland, J.), and then dismissed for want of prosecution. *See Williams v. McKee*, No. 08-1877 (6th Cir. Aug. 12, 2008). The instant petition is therefore a second or successive petition. Petitioner has neither sought nor obtained appellate authorization to file a subsequent petition as required by 28 U.S.C. § 2244(b)(3)(A). Accordingly,

IT IS ORDERED that the Clerk of Court shall transfer this case to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631 and *Sims v. Terbush*, 111 F.3d 45, 47 (6th Cir. 1997).

S/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

Dated: August 19, 2010
Detroit, Michigan