

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARVIN HUNTLEY,)
)
Petitioner,)
)
v.) No. 4:12-CV-1718 CAS
)
IAN WALLACE,)
)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition is successive and will be summarily dismissed. See 28 U.S.C. § 2254 Rule 4.

Petitioner was sentenced by the state court in 1994. Petitioner sought federal habeas relief after exhausting his state remedies. See Huntley v. Bowersox, 4:99-CV-23 CAS (E.D. Mo.). After this Court dismissed the petition, the United States Court of Appeals for the Eighth Circuit refused to issue a certificate of appealability to petitioner. Huntley v. Bowersox, No. 02-2313 (8th Cir. 2002).

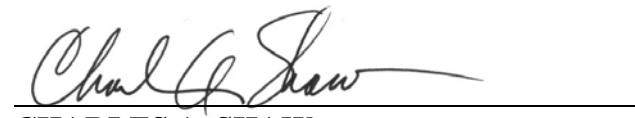
To the extent that petitioner seeks to relitigate claims that he brought in his original petition, those claims must be denied pursuant to 28 U.S.C. § 2244(b)(1). To the extent that petitioner seeks to bring new claims for habeas relief, petitioner must obtain leave from the United States Court of Appeals for the Eighth Circuit before he can bring those claims in this Court. 28 U.S.C. § 2244(b)(3)(A). Petitioner has not been granted leave to file a successive habeas petition in this Court. As a result, the petition shall be dismissed without further proceedings.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis is **GRANTED**. [Doc. 2]

IT IS FURTHER ORDERED that petitioner's petition for writ of habeas corpus is **DISMISSED**.

An Order of Dismissal will be filed with this Memorandum and Order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 5th day of December, 2012.