

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIAM BILLY GENE CARTER,)
)
Petitioner,)
)
v.) No. 4:12CV2159 HEA
)
)
MARTHA MARTIN,)
)
)
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 shall be summarily dismissed.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

Petitioner was found to be a sexually violent predator by a probate court on August 8, 2003. Petitioner previously challenged the judgment in this Court. See Carter v. Blake, 4:10CV1914 NAB (E.D. Mo.). Petitioner seeks to challenge the same judgment in the instant petition.

To the extent that petitioner seeks to relitigate claims that he brought in his earlier 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 will be dismissed.

Accordingly,

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

Dated this 15th day of January, 2013.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE