

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

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|--------------|---|---------------------|
| CARLOS WADE, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 4:16-CV-378 JCH |
| |) | |
| IAN WALLACE, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on review of the petition of Liddell Wilson for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition is successive and is dismissed.

Petitioner was convicted of first-degree murder and armed criminal action for crimes he committed as a juvenile. *Missouri v. Wade*, No. 951-4362A (St. Louis City). The court sentenced him to life imprisonment without the possibility of parole. After his appeals were denied, he sought habeas relief in this Court. *Wade v. Dormire*, No. 4:02-CV-863 JCH. The Court denied the petition and did not issue a certificate of appealability.

In this case, petitioner challenges the same conviction and sentence under *Miller v. Alabama*, 132 S.Ct. 2455 (2012), which held that juveniles may not be sentenced to life imprisonment without the possibility of parole. 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 did not seek leave from the Court of Appeals before filing this action. As a result, this action is dismissed.

Finally, petitioner has failed to demonstrate that jurists of reason would find it debatable whether the petition is successive. Thus, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 18th day of May, 2016.

 /s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE