

In the instant action, Petitioner challenges the same conviction and sentence under *Miller v. Alabama*, 132 S.Ct. 2455 (2012) and *Montgomery v. Louisiana*, 136 S.Ct. 718 (2016), 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). It does not appear that Petitioner sought leave from the Court of Appeals before bringing this action. Therefore, Petitioner must show cause why this action should not be dismissed or transferred to the Court of Appeals.

Accordingly,

IT IS HEREBY ORDERED that petitioner must show cause, no later than fourteen (14) days from the date of this Order, why this action should not be dismissed or transferred to the Court of Appeals.

Dated this 4th day of August, 2016.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE