

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CHRISTOPHER DECOTEAU,

)

4:14CV3166

)

Petitioner,

)

)

v.

)

**MEMORANDUM
AND ORDER**

)

MICHAEL KENNEY,

)

)

Respondent.

)

This matter is before the Court on Petitioner's Motion for Reconsideration. (Filing No. 13.) Petitioner asks the Court to reconsider its order dismissing his habeas corpus petition because it is a second or successive habeas corpus petition that has not been authorized by the Eighth Circuit Court of Appeals. Petitioner argues the Court should not have dismissed the petition without first considering his request to file a second or successive petition.

On August 13, 2014, Petitioner filed an "Application to File Second Successive Habeas Corpus," in which he asked *this Court* for permission to file a second or successive habeas corpus petition. (Filing No. 1.) However, pursuant to 28 U.S.C. § 2244(b)(3)(A), Petitioner must direct his request to file a second or successive habeas corpus petition to the Eighth Circuit Court of Appeals. 28 U.S.C. § 2244(b)(3)(A) ("Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application."). If Petitioner wishes to continue to pursue this matter, he should file a motion with the Eighth Circuit Court of Appeals fully addressing the legal requirements for successive habeas petitions set forth in 28 U.S.C. § 2244(b). Accordingly,

IT IS ORDERED: Petitioner's Motion for Reconsideration (Filing No. 13) is denied.

DATED this 22nd day of October, 2014.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge