

The court has carefully reviewed the record in this matter and in Petitioner's previous habeas corpus proceedings. For the reasons set forth in the court's February 14, 2012, Memorandum and Order in Case Number 8:11CV406 (Filing No. [8](#)), the court finds that this Petition is clearly successive and must be dismissed. That is, Petitioner's previous petitions raise claims and argument similar to those raised here, and Petitioner does not raise any new arguments or allege any new facts that demonstrate that he is innocent of the underlying offense. Further, Petitioner does not assert, nor does the record show, that he sought or received permission from the United States Court of Appeals for the Eighth Circuit to file a successive petition.

IT IS THEREFORE ORDERED that:

1. The Petition for Writ of Habeas Corpus (Filing No. [1](#)) is dismissed without prejudice to reassertion of a subsequent petition upon certification by the Eighth Circuit Court of Appeals. A separate judgment will be entered in accordance with this Memorandum and Order.

2. All pending motions are denied as moot.

DATED this 22nd day of February, 2012.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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