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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MACK C. MASON,

Case No. 3:04-cv-00069-MMD-VPC

Petitioner,

ORDER

v.

E.K. McDANIEL, *et al.*,

Respondents.

This closed action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner. Petitioner has filed a motion for a copy of the docket summary in this case. (ECF No. 61.) The Court will direct the Clerk of Court to send petitioner a copy of the docket sheet free of charge. Petitioner further states that he wishes to pursue an application for a successive petition. A successive habeas petition may not be filed in this Court unless the petitioner has obtained permission from the Ninth Circuit Court of Appeals. See 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 permission is granted by the Court of Appeals, petitioner may file a successive petition as a new case, but he may not file a successive petition in this action.

It is therefore ordered that the Clerk of Court send petitioner a copy of the CM/ECF docket summary in this case free of charge.

DATED THIS 3rd day of February 2017.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE