



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHAEL T. DAVITT,  
Petitioner,

vs.

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

3:09-cv-0132-BES-RAM

**ORDER**

Petitioner has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

This is a successive petition which requires petitioner to seek and obtain leave of the Ninth Circuit Court of Appeal to pursue. See 28 U.S.C. § 2244(b)(3) *et seq.* The petitioner has not obtained leave to file a successive petition from the Court of Appeals. Therefore, the petition will be dismissed.

**IT IS THEREFORE ORDERED** that this action is **DISMISSED WITH PREJUDICE** as a successive petition.

**IT IS FURTHER ORDERED** that the Clerk **SHALL ENTER JUDGMENT** accordingly.

Dated this 31<sup>st</sup> day of March, 2009.

  
UNITED STATES DISTRICT JUDGE