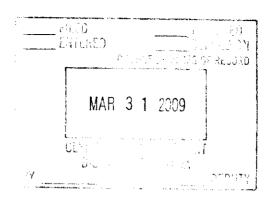
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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

MICHAEL T. DAVITT,

Petitioner,

vs.

CRDER

E.K. McDANIEL, et al.,

Respondents.

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