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5 UNITED STATES DISTRICT COURT

6 DISTRICT OF NEVADA

7 Kevin Sutton,

Case No.: 3:21-cv-00374-RCJ-WGC

8 Petitioner,

9 **Order Dismissing Improperly Commenced
Habeas Proceeding**

10 v.

11 Warden K. Olsen, et al.,

12 Respondents.

13 Petitioner, a Nevada prisoner, has submitted a petition for writ of habeas corpus under
14 28 U.S.C. § 2254. ECF No. 1-1. Petitioner has not filed an application to proceed *in forma*
15 *pauperis* or paid the filing fee. *See* 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2.
16 Accordingly, this matter has not been properly commenced.

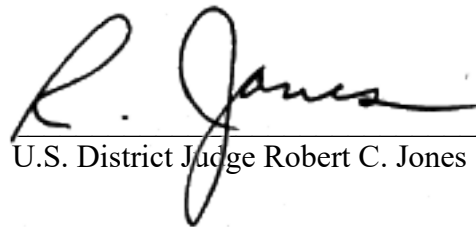
17 In addition, a review of the court docket indicates that petitioner has filed numerous
18 habeas actions challenging the same judgment of conviction, including one that was decided on
19 the merits. *See* Case No. 3:04-cv-00498-HDM. As this court has previously explained to the
20 petitioner, a second or successive petition may not be filed absent authorization from the Court
21 of Appeals, and the district court lacks jurisdiction to consider such petitions absent such
22 authorization. *See* Case No. 3:18-cv-00598-MMD-CLB, ECF No. 7 at 1 (citing 28 U.S.C. §
23 2244(b)(3); *Burton v. Stewart*, 549 U.S. 147, 149 & 152-53 (2007)).

1 IT IS THEREFORE ORDERED that this action is dismissed.

2 IT IS FURTHER ORDERED that a certificate of appealability is denied, as jurists of
3 reason would not find the court's dismissal of this improperly commenced action to be debatable
4 or incorrect.

5 IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and close
6 this case.

7 Dated: September 7, 2021.

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U.S. District Judge Robert C. Jones