

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Kevin Sutton,

Petitioner,

V.

Warden K. Olsen, et al.,

Respondents.

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

Order Dismissing Improperly Commenced Habeas Proceeding

Petitioner, a Nevada prisoner, has submitted a petition for writ of habeas corpus under

28 U.S.C. § 2254. ECF No. 1-1. Petitioner has not filed an application to proceed *in forma pauperis*.

pauperis or paid the filing fee. See 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2.

Accordingly, this matter has not been proceedings commenced.

Geography

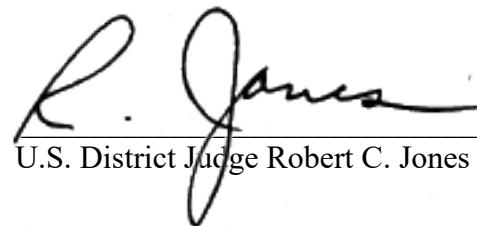
habeas actions challenging the same judgment of conviction, including one that was decided on the merits. *See Case No. 3:04-cv-00498-HDM.* As this court has previously explained to the petitioner, a second or successive petition may not be filed absent authorization from the Court of Appeals, and the district court lacks jurisdiction to consider such petitions absent such authorization. *See Case No. 3:18-cv-00598-MMD-CLB, ECF No. 7 at 1* (citing 28 U.S.C. § 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.



8 U.S. District Judge Robert C. Jones
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23