

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.

★ JUL 19 2012 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
RICHARD K. VALENTIN,

NOT FOR PUBLICATION
BROOKLYN OFFICE

Petitioner,

ORDER

-against-

12-CV-3518 (ERK)

M. CAPRA,

Respondent.

-----X
KORMAN, J.

Petitioner Richard K. Valentin filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He seeks to vacate his 1996 judgment of conviction entered in Queens County.

This is petitioner's third application for habeas relief. See Valentin v. Duncan, No. 99 CV 2383 (JBW) (E.D.N.Y. Sept. 17, 1999) (petition dismissed on the merits), aff'd, Mandate, No. 99-2565 (2d Cir. Apr. 18, 2000); Valentin v. Smith, No. 07 CV 2475 (ERK) (E.D.N.Y. Aug. 31, 2007) (petition transferred to the United States Court of Appeals for the Second Circuit). The Antiterrorism and Effective Death Penalty Act of 1996 "allocates jurisdiction to the courts of appeals, not the district courts, to authorize successive habeas motions or applications." Torres v. Senkowski, 316 F.3d 147, 151 (2d Cir. 2003). Therefore, petitioner must move in the United States Court of Appeals for the Second Circuit for permission to pursue this successive petition for habeas corpus relief. 28 U.S.C. § 2244(b)(3)(A).

Accordingly, in the interest of justice, the Clerk of Court shall transfer this petition to the United States Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 1631.

SO ORDERED.

s/Edward R. Korman

EDWARD R. KORMAN, U.S.D.J.

Dated: Brooklyn, New York
July 18, 2012