

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| THEODORE JACKSON, |) | CASE NO. 1:15-cv-782 |
| |) | |
| |) | |
| PETITIONER, |) | JUDGE SARA LIOI |
| |) | |
| vs. |) | |
| |) | MEMORANDUM OPINION |
| BRIGHAM SLOAN, |) | |
| |) | |
| |) | |
| RESPONDENT. |) | |

On April 22, 2015, petitioner Theodore Jackson filed this action for a writ of habeas corpus under 28 U.S.C. § 2254. (Doc. No. 1 [Petition].) The petition alleges that Jackson is incarcerated despite the fact that his sentence has expired. For the reasons stated below, this action must be transferred to the United States Court of Appeals for the Sixth Circuit.

A second or successive motion under § 2254 may not be filed without leave from the appropriate court of appeals. *See* 28 U.S.C. § 2244(b)(3). This is at least the second petition filed by Jackson in this court challenging the calculation of his sentence. In a petition filed in another case, that claim was denied with prejudice as non-cognizable on habeas review. *See Jackson v. Sloane*, N.D. Ohio Case No. 1:13-cv-1326 (Doc. No. 39

[Report and Recommendation] at 853¹ and Doc. No. 60 [Memorandum Opinion and Order] at 1124). There are no grounds set forth in the instant petition which are newly ripened, or that were unripe when the previous petition was filed, or that support any exception to the filing of a second successive petition under 18 U.S.C. § 2244(b). *See Stewart v. Martinez-Villareal*, 523 U.S. 637, 643, 118 S. Ct. 1618, 140 L. Ed. 2d 849 (1998); *Panetti v. Quarterman*, 551 U.S. 930, 946, 127 S. Ct. 2842, 168 L. Ed. 2d 662 (2007).

Accordingly, the Court concludes that the instant petition is successive, and this action shall be transferred to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631. *In re Smith*, 690 F.3d 809, 810 (6th Cir. 2012) (citing *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997)); *Keith v LaRose*, No. 1:13CV1718, 2014 WL 1369655, at *4 (Mar. 28, 2014) (successive petition transferred to the Sixth Circuit pursuant to *Sims*).

IT IS SO ORDERED.

Dated: June 23, 2015



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE

¹ All references to page numbers are to the page identification numbers generated by the Court's electronic filing system.