

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES M. HOWARD,)	CASE NO. 3:23-cv-861
)	
)	
Petitioner,)	
)	JUDGE BRIDGET MEEHAN BRENNAN
v.)	
)	
WARDEN TOM WATSON,)	
)	<u>ORDER OF TRANSFER</u>
)	
Respondent.)	

Pro se Petitioner James Howard, a prisoner incarcerated in the North Central Correctional Institution, has filed a Petition seeking a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 challenging a judgment of conviction imposed by the Logan County Court of Common Pleas. (Doc. No. 1.)

Petitioner has already filed a § 2254 petition challenging this conviction, and that petition was dismissed on the merits. *Howard v. Warden Turner*, No. 3: 19 cv 346 (N.D. Ohio Jan. 27, 2022).

Title 28 U.S.C. § 2244(b)(3)(A) provides that before a second or successive habeas corpus application under § 2254 is filed in the district court, the applicant must “move in the appropriate court of appeals for an order authorizing the district court to consider the application.” *See also Keith v. Bobby*, 618 F.3d 594, 599-600 (6th Cir. 2010). Unless the court of appeals has given approval for the filing of second or successive petition, the district court must transfer the petition to the court of appeals. *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997). Petitioner does not indicate he has sought and obtained authorization from the Sixth Circuit Court of Appeals to file a second or successive petition challenging his conviction. Accordingly,

pursuant to *In re Sims*, this action is hereby transferred to the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

Date: May 19, 2023



BRIDGET MEEHAN BRENNAN
UNITED STATES DISTRICT JUDGE