

successive habeas petition, the district court should dismiss it for failure to obtain authorization from the Court of Appeals, or in its discretion transfer the purported Rule 60(b) motion to the Court of Appeals. *Id.* The petitioner may then either appeal the dismissal of the motion or, if transferred by the district court, await the action of the Court of Appeals. *Id.*

The Court finds that Pratt's Rule 60(b) motion must be construed as a petition under § 2254. He is attempting to file successive motions for post-conviction relief. Having failed to obtain the requisite certificate of appealability from the Court of Appeals, his motion must be denied. Accordingly,

IT IS ORDERED that Petitioner's Rule 60(b) motion, Doc. 35, is DENIED.

DATED June 20th, 2018.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
MATTHEW W. THELEN, CLERK

BY: _____
(SEAL) DEPUTY