

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

| | | |
|----------------------------|---|--------------------------|
| EMMANUEL BIBB HOUSTON, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 4:24-CV-026-DCLC-CHS |
| |) | |
| SHAWN PHILLIPS and HERBERT |) | |
| SLATERY, |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM OPINION

Petitioner, a state prisoner, filed a pro se motion for post-judgment relief under Rule 60(b)(6) from the denial and dismissal of his petition for a writ of habeas corpus under 28 U.S.C. § 2254 in civil case number 4:17-CV-072 [Doc. 2]. The Court construed this post-judgment motion as a second or successive habeas corpus petition and therefore directed the Clerk to open the instant action [Doc. 1].

However, Petitioner must obtain authorization from the Sixth Circuit before he may pursue this second or successive action. *See* 28 U.S.C. § 2244(b)(3). Because it does not appear that Petitioner has obtained such authorization, the Court will transfer Petitioner's filing [Doc. 1] to the Sixth Circuit, which will construe it as a request for authorization under § 2244(b)(3). *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

Accordingly, the Clerk will be **DIRECTED** to transfer this entire action to the Sixth Circuit, pursuant to 28 U.S.C. § 1631 and *In re Sims*, 111 F.3d at 47, and to close this case.

AN APPROPRIATE JUDGMENT ORDER WILL ENTER.

ENTER:

s/Clifton L. Corker

United States District Judge