

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRUCE L BENNETT JR.,

Petitioner

V.

MARGARET GILBERT,

Respondent

No. 3:16-CV-06035-RBL-DWC

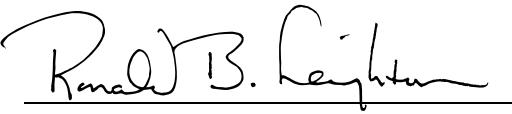
ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation [Dkt. #7].
- (2) Petitioner filed a second or successive petition for relief under 28 U.S.C. § 2254 without the Ninth Circuit’s permission. He argues his 1994 conviction is unconstitutional after the Washington Supreme Court’s 2014 ruling in *State v. Williams*, 336 P.3d 1152 (2014). Justice does not demand that the Court transfer his petition to the Ninth Circuit. *See* CTA9 Rule 22-3.
- (3) Therefore, Petitioner’s 28 U.S.C. § 2254 petition [Dkt. #4] is **DISMISSED WITHOUT PREJUDICE**.
- (4) The Clerk is directed to send copies of the Ninth Circuit Court of Appeals Form 12 –Application for Leave to File Second or Successive Petition Under 28 U.S.C. § 2254 or Motion Under 28 U.S.C. § 2255 and a copy of Ninth Circuit Rule 22-3.

1 (5) The Clerk is also directed to send copies of this Order to Petitioner and to the
2 Hon. David W. Christel.

3 **DATED** this 13th day of March, 2017.

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7 Ronald B. Leighton
8 United States District Judge