

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**JOSE MISAEL JAIMES,**  
Petitioner,

v.

Case No. 12-C-0105

**WARDEN JOHN PAQUIN,**  
Respondent.

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**DECISION AND ORDER**

Jose Misael Jaimes has filed this habeas action pursuant to 28 U.S.C. § 2254. He challenges a state-court judgment of conviction entered on August 2, 2004. Before I may proceed with this case further, I must be satisfied that I have subject matter jurisdiction.

When Jaimes filed his present petition, the Clerk of Court notified me that he had filed a prior petition for a writ of habeas corpus under 28 U.S.C. § 2254. See Jaimes v. Humphreys, E.D. Wis. Case No. 07-C-0543. That habeas petition involved the same judgment of conviction as the present petition and was denied on the merits on April 29, 2008. Thus, the present petition is a "second or successive habeas corpus application under section 2254" within the meaning of 28 U.S.C. § 2244(b). Under § 2244(b)(3)(A), a district court lacks jurisdiction to entertain a second or successive habeas petition unless the court of appeals has first approved its filing. See Pavlovsky v. VanNatta, 431 F.3d 1063, 1064 (7th Cir. 2005). Because Jaimes has not obtained such approval from the court of appeals, I lack jurisdiction to consider the present petition and will dismiss it for lack of subject matter jurisdiction. Should Jaimes wish to pursue this matter further, he must make a request with the United States Court of Appeals for the Seventh Circuit

pursuant to Circuit Rule 22.2.

For the reasons stated, **IT IS ORDERED** that this case is **DISMISSED** for lack of subject matter jurisdiction. The Clerk of Court shall enter final judgment.

Dated at Milwaukee, Wisconsin, this 13th day of February 2012.

s/\_\_\_\_\_  
LYNN ADELMAN  
District Judge