

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL SVEUM,

Petitioner,

ORDER

v.

00-C-563-C

JUDY P. SMITH, Warden, Oshkosh
Correctional Institution,

Respondent.

On April 18, 2005, petitioner Michael Sveum filed a motion under Fed. R. Civ. P. 60(b)(6) to vacate this court's December 14, 2000, judgment dismissing his petition for a writ of habeas corpus. The motion is identical in all material respects to a motion that he filed on December 6, 2004. In an order entered December 16, 2004, I dismissed the December 6 motion, concluding that it was in effect a successive collateral attack for which petitioner had not obtained prior authorization to file from the court of appeals. On March 31, 2005, the court of appeals issued a decision in which it agreed with my conclusion.

Like his December 6, 2004, motion, the instant motion is a successive collateral attack on his conviction that is not accompanied by an order from the court of appeals authorizing this court to consider it. Therefore, it must be dismissed under 28 U.S.C. § 2244(b)(3)(A).

ORDER

IT IS ORDERED that the motion of petitioner Michael Sveum to vacate the December 14, 2000 judgment denying his habeas petition is DISMISSED as an unauthorized successive collateral attack on his conviction.

Dated this 21st day of April, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge