

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

DAVID E. WILLIAMS,

Petitioner,

ORDER

v.

09-cv-024-bbc

WISCONSIN COURT OF APPEALS,
DISTRICT I, SECRETARY OF THE
WISCONSIN DEPARTMENT OF
CORRECTIONS and THE ATTORNEY
GENERAL OF THE STATE OF
WISCONSIN,

Respondents.

David E. Williams, an inmate at the Prairie du Chien Correctional Center, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the five dollar filing fee. The petition is before the court for preliminary review pursuant to Rule 4 of the Rules Governing Section 2254 Cases.

The subject of the petition is petitioner's 1998 conviction in the Circuit Court for Milwaukee County for possession of heroin with intent to deliver and delivery of heroin, both within 1000 feet of a school. Petitioner challenged this same conviction in a petition for a writ of habeas corpus that he filed in the United States District Court for the Eastern District of Wisconsin. District Judge Charles N. Clevert, Jr. issued an order denying the

petition on February 18, 2005. Williams v. Bertrand, 01-C-681, Order Denying Pet. and Dismissing Case, dkt. # 25 (E.D. Wis. Feb. 18, 2005).

According to 28 U.S.C. § 2244(b)(3)(A), a petitioner may not file a second or successive application for habeas relief in the district court unless he first seeks and obtains an order from the appropriate court of appeals authorizing the district court to consider the application. Petitioner has not obtained an order from the Court of Appeals for the Seventh Circuit authorizing him to file his petition. Accordingly, this court must dismiss the petition.

ORDER

IT IS ORDERED that the petition of David E. Williams for a writ of habeas corpus is DISMISSED WITHOUT PREJUDICE for petitioner's failure to obtain the authorization required by 28 U.S.C. § 2244(b)(3)(A).

Entered this 2nd day of February, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge