

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

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BOBBIE TORRY,

Petitioner,

ORDER

v.

06-C-435-S

GREGORY GRAMS,

Respondent.

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Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 claiming that his state court conviction is unconstitutional. On August 30, 2006 an order to show cause was issued by this Court.

Respondent moves to dismiss this petitioner's petition for a writ of habeas corpus because it is a successive petition under 28 U.S.C. § 2254 for which the Court lacks jurisdiction. Pursuant to 28 U.S.C. § 2244(b)(3)(A), before a second or successive petition is filed in the district court, the applicant shall move the appropriate court of appeals for an order authorizing the district court to consider the application. Without said authorization the district court lacks jurisdiction to consider petitioner's successive petition for a writ of habeas corpus.

Petitioner's petition for a writ of habeas corpus is a successive petition. Accordingly, petitioner's petition must be

dismissed because this Court lacks jurisdiction pursuant to 28  
U.S.C. § 2244(b) (3) (A) .

ORDER

IT IS ORDERED that petitioner's petition for a writ of habeas  
corpus is DISMISSED for lack of jurisdiction.

Entered this 25<sup>th</sup> day of September, 2006.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge