

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

MIQUEL BROWN,

Petitioner,

ORDER

v.

07-C-0174-C

CATHERINE FARREY, Warden,
New Lisbon Correctional Institution,

Respondent.

Miquel Brown, an inmate at the New Lisbon Correctional Institution, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his August 2002 conviction in the Circuit Court for Eau Claire County for drug delivery and possession charges. This conviction was the subject of a habeas petition filed by petitioner in this court in October 2005, Brown v. Farrey, 05-C-624-C. This court denied that petition on March 7, 2006. Accordingly, the instant petition is petitioner's second petition challenging his August 2002 conviction.

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 Miquel Brown 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 24th day of April, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge