

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ARTHUR J. CAENEN,

Petitioner,

v.

CASE NO.10-3208-SAC

KANSAS ATTORNEY GENERAL,

Respondent.

O R D E R

This matter is before the court on a petition for writ of habeas corpus under 28 U.S.C. § 2254, filed pro se by a Kansas prisoner alleging error in his 1998 state conviction for first degree murder.

Court records disclose that petitioner sought habeas corpus relief under § 2254 in 2004 regarding the same conviction, and that the court dismissed that action as time barred. See *Caenen v. Rohling*, Case No. 04-3290-SAC (dismissed November 17, 2004), *certificate of appealability denied and appeal dismissed* (10th Cir. March 31, 2005), *cert. denied*, 546 U.S. 892 (2005). Petitioner thereafter filed repeat petitions without the Tenth Circuit's authorization for this court to consider a second or successive petition. See 28 U.S.C. § 2244(b)(3) (procedure for seeking authorization from court of appeals to file second or successive § 2254 petition in district court). All were transferred to the circuit court which denied petitioner authorization to proceed in the district court.

The instant action clearly appears to be yet another successive

petition submitted without the circuit court's authorization, thus this court lacks jurisdiction to proceed. Having reviewed petitioner's claims, the court finds transfer of the instant petition to the circuit court would not be in the interests of justice, and dismisses the petition. See *In re Cline*, 531 F.3d 1249, 1252 (10th Cir.2008).

IT IS THEREFORE ORDERED that the petition is dismissed for lack of jurisdiction.

IT IS SO ORDERED.

DATED: This 24th day of November 2010 at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge