

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**GREGORY LYNN GALES,**

**Petitioner,**

**v.**

**CASE NO. 11-3186-SAC**

**MARK FRAME,  
et al.,**

**Respondents.**

**O R D E R**

This petition for writ of habeas corpus was filed pursuant to 28 U.S.C. § 2241 by an inmate who is currently confined at the Norton Correctional Facility, Norton, Kansas. The filing fee has been paid. Having examined the materials filed, the court finds as follows.

Petitioner styles this action as a petition attacking a state detainer. However, it is plainly another in a long line of attempts by Mr. Gales to attack his 2001 convictions for first degree murder and arson. Although he suggests that he was never tried on these charges, state court records and prior cases in this court clearly show that he was, and that he is currently serving the resulting sentence.

Mr. Gales has been repeatedly informed of the following. See e.g., Gales v. Cline, Case No. 10-3071-SAC (Apr. 19, 2010). He may only challenge his state convictions in a petition filed under 28 U.S.C. § 2254. Since he filed a prior § 2254 petition challenging this conviction that was denied as time-barred, any subsequent petition is "second and successive." Second and successive applications may not be filed in this court without preauthorization from the Tenth Circuit Court of Appeals. 28 U.S.C. § 2244(b)(3)(A).

There is no indication that Mr. Gales has obtained Circuit authorization to file the instant petition. Consequently, this court lacks jurisdiction to hear his § 2254 claims. Because Mr. Gales has repeatedly been informed of these matters and his challenges to these convictions have already been determined to be time-barred, the court declines to transfer this petition to the Tenth Circuit for authorization and finds that this action should be dismissed for lack of jurisdiction.

**IT IS THEREFORE ORDERED** that this action is dismissed, without prejudice, for lack of jurisdiction.

**IT IS SO ORDERED.**

Dated this 9<sup>th</sup> day of January, 2012, at Topeka, Kansas.

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