

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

NOAH J. GLEASON,

Petitioner,

v.

CASE NO. 23-3007-JWL

JEFF ZMUDA,

Respondent.

MEMORANDUM AND ORDER

This matter is an unauthorized second or successive petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 that was dismissed for lack of jurisdiction on January 11, 2023. (Doc. 2.) On January 30, 2023, Petitioner Noah J. Gleason, who is proceeding pro se, filed in this court a motion for leave to submit a successive petition. (Doc. 4.) As explained in the Court’s order of dismissal, “[b]efore a petitioner may proceed in a second or successive application for habeas corpus relief, ‘the applicant shall move *in the appropriate court of appeals* for an order authorizing the district court to consider the application.’ 28 U.S.C. § 2244(b)(3)(A).” (Doc. 2, p. 3 (emphasis added).) That order also advised Petitioner that if he wishes, “he may independently apply *to the Tenth Circuit* for authorization to proceed with this petition.” *Id.* at 5 (emphasis added).

Only the United States Court of Appeals for the Tenth Circuit may authorize this Court to consider a second or successive petition for writ of habeas corpus under 28 U.S.C. § 2254. Thus, this Court must deny the motion now before it. If Petitioner wishes to seek an order authorizing this Court to proceed on a successive petition, he must do so by submitting the necessary motion for authorization directly to the Tenth Circuit. The form and instructions for doing so is available on the Tenth Circuit’s website, at <https://www.ca10.uscourts.gov/forms/all> under the link for

“Successive 2244 Form (for section 2254 habeas cases).” If Petitioner lacks internet access, he may contact the Tenth Circuit for the form and instructions at:

United States Court of Appeals for the Tenth Circuit
Office of the Clerk
Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257

IT IS THEREFORE ORDERED that the motion for leave to submit successive petition (Doc. 4) is **denied**. This Court cannot consider this successive petition unless Petitioner obtains from the Tenth Circuit an order authorizing this Court to do so. The form motion for an order of authorization and instructions for filing it are available on the Tenth Circuit’s website.

IT IS SO ORDERED.

DATED: This 31st day of January, 2023, at Kansas City, Kansas.

S/ John W. Lungstrum

JOHN W. LUNGSTRUM
United States District Judge