

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

NOV 30 2010

Clerk, U.S. District and  
Bankruptcy Courts

\_\_\_\_\_  
THEODORE HUNTER,

Petitioner,

v.

SIMON WAINWRIGHT,

Respondent.  
\_\_\_\_\_

Civil Action No. 10-2047 (UNA)

**MEMORANDUM OPINION**

On October 29, 2010, the clerk's office received a petition for the writ of habeas corpus, along with an application to proceed in forma pauperis, from Theodore Hunter. Seven days earlier, the clerk's office received an identical petition and application from Mr. Hunter. The Court has previously granted the earlier-received application and denied the earlier-received petition. *See* Mem. Op., *Hunter v. Wainwright*, No. 10-cv-1895 (D.D.C. Nov. 4, 2010), ECF No. 3. The Court will now grant the later-received application, deny the later-received petition, and dismiss this case.

"A claim presented in a second or successive habeas corpus application under [28 U.S.C. §] 2254 that was presented in a prior application shall be dismissed." 28 U.S.C. § 2244(b)(1). Mr. Hunter, a prisoner challenging the sentence of conviction of the Superior Court of the District of Columbia, previously made a petition under § 2254, which concerns habeas proceedings challenging state custody in federal courts. The claims made in the instant petition are identical to those made in the previous petition. Moreover, the previous petition was dismissed with prejudice. Therefore, per § 2244(b)(1) and the previous dismissal with prejudice,

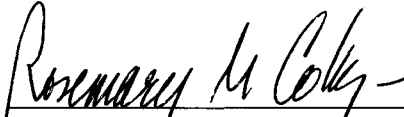
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the instant petition shall be dismissed. A memorializing order accompanies this memorandum opinion.

Date:

24 November 2010

  
United States District Judge