

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-30100

D.C. Docket No. 3:02-CV-770

United States Court of Appeals
Fifth Circuit

FILED

March 2, 2018

Lyle W. Cayce
Clerk

WILLIE TRIPPLETT, JR.,

Petitioner - Appellant

v.

DARREL VANNOY, WARDEN, LOUISIANA STATE PENITENTIARY,

Respondent - Appellee

Appeals from the United States District Court for the
Middle District of Louisiana

Before DENNIS, SOUTHWICK, and HIGGINSON, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal.

It is ordered and adjudged that the judgment of the District Court is affirmed.

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v.

DARREL VANNOY, Warden, Louisiana State Penitentiary,

Respondent-Appellee

Appeals from the United States District Court
for the Middle District of Louisiana
USDC No. 3:02-CV-770

Before DENNIS, SOUTHWICK, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Willie Triplett, Jr., Louisiana prisoner # 100388, was convicted of aggravated rape and sentenced to life imprisonment. He moves for a certificate of appealability (COA) and for leave to proceed in forma pauperis (IFP) to challenge the district court's order that Triplett's motion for relief from judgment not be filed.

Triplett's unfiled motion raised a new 28 U.S.C. § 2254 claim and was a successive § 2254 application. *See Gonzalez v. Crosby*, 545 U.S. 524, 532–33

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 17-30100

(2005). Because Triplett did not have this court's permission to file a second or successive application, the district court did not have jurisdiction to consider it. *See 28 U.S.C. § 2244(b)(3)(A).*

To the extent that Triplett is required to obtain a COA, he has not shown that reasonable jurists could conclude that the district court abused its discretion in ordering that Triplett's motion for relief from judgment not be filed. *See Hernandez v. Thaler*, 630 F.3d 420, 428 (5th Cir. 2011). Accordingly, his request for a COA is DENIED. To the extent that he does not need a COA, the order of the district court is AFFIRMED. His motion for leave to proceed IFP on appeal is DENIED.

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v.

DARREL VANNOY, WARDEN, LOUISIANA STATE PENITENTIARY,

Respondent - Appellee

Appeals from the United States District Court
for the Middle District of Louisiana

ON PETITION FOR REHEARING EN BANC

(Opinion 3/2/18, 5 Cir., _____, _____ F.3d _____)

Before DENNIS, SOUTHWICK, and HIGGINSON, Circuit Judges.

PER CURIAM:

() Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. No member of the panel nor judge in regular active service of the court having requested that the court be polled on Rehearing En Banc (FED. R. APP. P. and 5th CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

() Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. The court

having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:



UNITED STATES CIRCUIT JUDGE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

WILLIE TRIPLETT, JR.

CIVIL ACTION

VERSUS

NO. 02-770-JJB

BURL CAIN, ET AL.

ORDER

Plaintiff has submitted pleadings for filing which the clerk's office has referred to the undersigned as the case has been closed for over one year. The court finds no basis for filing the documents as plaintiff seeks review of matters the Fifth Circuit has denied him authorization to bring a successive §2254 claim. Plaintiff does not cite a new rule of constitutional law made retroactive to cases on collateral review by the Supreme Court that was previously unavailable.

The Clerk of Court has properly rejected these pleadings for filing.

Signed in Baton Rouge, Louisiana, this 9th day of January, 2017.

JAMES J. BRADY, DISTRICT JUDGE

**Additional material
from this filing is
available in the
Clerk's Office.**