

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 18-2510

Johnnie Sterling, Jr.

Plaintiff - Appellant

v.

Ronda Pash

Defendant - Appellee

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:18-cv-00506-GAF)

JUDGMENT

Before BENTON, KELLY and GRASZ, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed.

October 31, 2018

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

APPENDIX
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

JOHNNIE STERLING,)
Petitioner,)
vs.) Case No. 18-00506-CV-W-GAF-P
RONDA PASH,)
Respondent.)

ORDER

Petitioner, a convicted prisoner currently confined in the Crossroads Correctional Center, has filed *pro se* a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and seeks to proceed *in forma pauperis*. Petitioner challenges his seeking to challenge his 2000 convictions and sentences for forcible sodomy, forcible rape, kidnaping, and multiple counts of armed criminal action, which were entered in the Circuit Court of Jackson County, Missouri. Doc. 1. For the reasons set forth below, this petition is DISMISSED without prejudice.

Discussion

Prisoners who want to file a second or successive application for habeas corpus relief must first obtain from the appropriate court of appeals an order authorizing the district court to consider the application. 28 U.S.C. § 2244(b)(3)(A). This is not Petitioner's first federal challenge regarding the convictions at issue, *see Sterling v. Dwyer*, No. 05-00847-CV-W-GAF-P, and Petitioner has not presented an order from the Court of Appeals authorizing this Court to consider his claims.

Accordingly, it is **ORDERED** that:

- (1) Petitioner is granted provisional leave to file *in forma pauperis*,

- (2) This case is dismissed without prejudice pursuant to 28 U.S.C. § 2244(b), and
- (3) Petitioner's motion for order (Doc. 3) is denied as moot.

IT IS SO ORDERED.

/s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT

DATED: July 11, 2018

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 18-2510

Johnnie Sterling, Jr.

Appellant

v.

Ronda Pash, Warden

Appellee

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:18-cv-00506-GAF)

ORDER

The petition for rehearing by the panel is denied.

December 12, 2018

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

APPENDIX

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