

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted June 30, 2017
Decided July 5, 2017

Before

WILLIAM J. BAUER, *Circuit Judge*

RICHARD A. POSNER, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

No. 17-2342

WARREN E. PARKS,
Applicant,
v.

On Motion for an Order Authorizing the
District Court to Entertain a Second or
Successive Petition for Collateral
Review.

WENDY KNIGHT,
Respondent.

O R D E R

In 2010, a jury in Indiana found Warren Parks guilty of possessing a firearm as a serious felon, and he was sentenced to 30 years' imprisonment. After exhausting his state remedies, Parks filed a petition under 28 U.S.C. § 2254, arguing that the Indiana trial court lacked subject matter jurisdiction in his criminal case. The district court denied the petition after concluding that this claim was frivolous, *Parks v. Superintendent*, No. 1:14-cv-1805-JMS-MJD (S.D. Ind. Dec. 30, 2014). We dismissed Parks's appeal from that decision after he failed to resolve his fee status. *Parks v. Knight*, No. 15-1025 (7th Cir. Feb. 13, 2015). Parks also appealed the denial of a Rule 60(b) motion, but we denied his request for a certificate of appealability. *Parks v. Zatecky*, No. 15-1359 (7th Cir. July 14, 2015).

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Parks next filed a “motion for a new hearing,” which the district court construed as a new civil action challenging the same conviction—this time attacking a probable cause determination—so the court treated it as a second collateral attack and dismissed it for lack of jurisdiction. *Parks v. Knight*, No. 1:16-cv-580-WTL-DKL (S.D. Ind. Mar. 28, 2016). We agreed and denied Parks’s request for a certificate of appealability. *Parks v. Zatecky*, No. 16-1265 & 17-1265 (7th Cir. Mar. 23, 2017). Parks then filed another “motion for a new hearing” in his original § 2254 case, which the district court construed as a motion under Rule 60(b) and denied. *Parks v. Knight*, No. 1:14-cv-1804-JMS-MJF (S.D. Ind. Jan. 3, 2017). We again denied a certificate of appealability and warned Parks that further frivolous submissions would result in a fine. *Parks v. Knight*, No. 16-1265 & 17-1265 (7th Cir. Mar. 23, 2017).

Parks now has filed an application pursuant to 28 U.S.C. § 2244(b)(3), seeking authorization to file a second or successive petition for a writ of habeas corpus under § 2254. Park wishes to challenge his initial probable cause hearing, but he identifies no evidence that was not previously discoverable. *See* 28 U.S.C. § 2244(b)(2)(B). The application is frivolous.

Accordingly, we DENY authorization and DISMISS Parks’s application. Further, we warned Parks in the order resolving his third and fourth requests for certificates of appealability that the further submission of frivolous arguments would result in a sanction. Accordingly, we impose the following SANCTION:

Parks is fined \$500. Until he pays that sum in full to the clerk of this court, he is barred from filing further civil suits in the courts of this circuit in accordance with *Support Sys. Int’l v. Mack*, 45 F.3d 185 (7th Cir. 1995), and any papers he submits will be returned unfiled. Moreover, any papers he submits attacking his current criminal conviction, including future collateral attacks, will also be returned unfiled. Finally, any applications for leave to file collateral attacks will be deemed denied 30 days after filing unless the court orders otherwise. *Alexander v. United States*, 121 F.3d 312 (7th Cir. 1997).

Parks’s application is DISMISSED.

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