

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 20 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ARTHUR RAY DEERE, Sr.,

Petitioner,

v.

CLERK OF THE UNITED STATES
DISTRICT COURT FOR THE CENTRAL
DISTRICT OF CALIFORNIA,

Respondent.

No. 23-70106

Central District of California,
Los Angeles

ORDER

Before: SCHROEDER, RAWLINSON, and BADE, Circuit Judges.

In this petition for writ of habeas corpus, petitioner contends that the district court violated his constitutional rights by failing to file a habeas petition he submitted that was not on the court-approved form. He asks this court to order the Clerk of the district court to accept the petition he had submitted. We treat this request as a petition for writ of mandamus and deny it. Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. *See Bauman v. U.S. Dist. Court*, 557 F.2d 650 (9th Cir. 1977).

Insofar as the instant petition challenges petitioner's 2007 Riverside County Superior Court convictions in case number BLF003311, we decline to transfer it to the district court. Petitioner challenged these convictions in a 28 U.S.C. § 2254

petition in the United States District Court for the Central District of California case number 5:08-cv-1009-R-CW, and the district court adjudicated the petition on the merits and entered judgment on July 25, 2012. Petitioner, therefore, must first obtain authorization from this court to file a second or successive § 2254 petition, *see* 28 U.S.C. § 2244(b)(3)(A), and he has not done so.

We will not consider the merits of the habeas claims raised in this petition.

Any pending motions are denied as moot.

No further filings will be entertained in this case.

The Clerk will close this original action.

DENIED.