

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

No: 17-2155

Vincent X. Lee

Petitioner - Appellant

v.

Cindy Griffith, Warden

Respondent - Appellee

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:17-cv-00074-FJG)

JUDGMENT

Before LOKEN, MURPHY and COLLOTON, Circuit Judges.

The court has carefully reviewed the original file of the United States District Court and orders that this appeal be dismissed for lack of jurisdiction. The motion for leave to proceed in forma pauperis is denied as moot.

June 21, 2017

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

/s/ Michael E. Gans

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

VINCENT X. LEE,

Petitioner,

vs.

CINDY GRIFFITH,

Respondent.

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Case No. 17-00074-CV-W-FJG-P

ORDER

Petitioner, a convicted prisoner currently confined in the Potosi Correctional Center in Mineral Point, Missouri, 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 1979 convictions and sentences for two counts of first-degree murder and two counts of first-degree robbery, which were entered in the Greene County Circuit Court in Springfield, Missouri. Doc. 1 at 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 Lee v. Norman*, No. 13-0971-CV-W-FJG-P (dismissed as successive pursuant to § 2244), 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*; and

(2) This case is dismissed without prejudice pursuant to 28 U.S.C. § 2244(b).

IT IS SO ORDERED.

/s/ Fernando J. Gaitan
FERNANDO J. GAITAN
UNITED STATES DISTRICT JUDGE

DATED: February 7, 2017

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Appellant

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Cindy Griffith, Warden

Appellee

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:17-cv-00074-FJG)

ORDER

The petition for rehearing by the panel is denied.

July 27, 2017

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

/s/ Michael E. Gans

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