

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Carlos Galindo Flores v. Theo White, Warden

Flores v. White, No. CV 25-5517-DOC(E) (C.D. Cal. July 11, 2025) · No. No. CV 25-5517-DOC(E) · Decided
July 11, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Carlos Galindo Flores’s habeas petition challenging his 1993 conviction and sentence. The court held that the petition was second or successive under 28 U.S.C. § 2244(b) and that Flores had not obtained authorization from the Ninth Circuit, so the court lacked jurisdiction to entertain it.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 CARLOS GALINDO FLORES, No. CV 25-5517-DOC(E) 12 Petitioner, 13
v. ORDER OF DISMISSAL 14 THEO WHITE, WARDEN, 15 Respondent. 16 17 On June 11,
2025, Petitioner filed a “Petition for Writ of Habeas Corpus.” The Petition 18 challenges
Petitioner’s 1993 conviction and sentence in Los Angeles Superior Court (Petition at 2-3).

19 Petitioner previously challenged the same conviction and sentence in a habeas petition filed in
this 20 Court in 1997. See Flores v. White, CV 97-3373-MKW(RNB) (“the prior habeas
petition”); see also 21 Flores v. White, 182 F.3d 925, 1999 WL 313642 (9th Cir. 1999); Flores v.
Warden, CV 05-9030- 22 R(RNB). 23 24 The Court must dismiss the present Petition in
accordance with 28 U.S.C. section 2244(b) (as 25 amended by the “Antiterrorism and Effective
Death Penalty Act of 1996”).

Section 2244(b) requires 26 that a petitioner seeking to file a “second or successive” habeas
petition first obtain authorization from 27 the Court of Appeals. See Burton v. Stewart, 549 U.S.
147, 157 (2007) (where petitioner did not 1 || Court was without jurisdiction to entertain [the
petition]); Barapind v. Reno, 225 F.3d 1100, 1111 2 || (9th Cir. 2000) (“the prior-appellate-review
mechanism set forth in § 2244(b) requires the permission of 3 || the court of appeals before ‘a
second or successive habeas application under § 2254’ may be 4 || commenced”).

A petition need not be repetitive to be “second or successive,” within the meaning of 28 5 || U.S.C.
section 2244(b). See, e.g., Thompson v. Calderon, 151 F.3d 918, 920-21 (9th Cir.), cert. denied, 6
|| U.S. 965 (1998); Calbert v. Marshall, 2008 WL 649798, at *2-4 (C.D. Cal. Mar. 6, 2008). 7 ||
Petitioner evidently has not yet obtained authorization from the Ninth Circuit Court of Appeals.!

8 || Consequently, this Court cannot entertain the present Petition. See *Burton v. Stewart*, 549 U.S. at 157; 9 || see also *Remsen v. Att’y Gen. of Calif.*, 471 Fed. App’x 571, 571 (9th Cir. 2012) (if a petitioner fails to 10. || obtain authorization from the Court of Appeals to file a second or successive petition, “the district court 11 || lacks jurisdiction to consider the petition and should dismiss it.”) (citation omitted).

12 13 For all of the foregoing reasons, the Petition is denied and dismissed without prejudice. 14
15 LET JUDGMENT BE ENTERED ACCORDINGLY. 16 DATED: July 11, 2025. 18 Abit 0
Cwrtiw 19 DAVID O. CARTER UNITED STATES MAGISTRATE JUDGE 20 21 ||
PRESENTED this 25th day 22 || of June, 2025, by: 23 /S/ CHARLES F. EICK 24 || UNITED
STATES MAGISTRATE JUDGE 25 26 I The docket for the United States Court of Appeals for
the Ninth Circuit, available on the Pacer database on www.pacer.gov, does not reflect that anyone
named Carlos Galindo Flores has 27 || received authorization to file a second or successive
petition.

See *Mir v. Little Company of Mary Hosp.*, 844 F.2d 646, 649 (9th Cir. 1988) (court may take
judicial notice of court records). 28