

**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

OPINION

Flores v. White

PER CURIAM.

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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