



and he could have been prosecuted in federal court. This action will be dismissed without a hearing, for several reasons:

(1) Since this is a second or successive application for writ of habeas corpus challenging the same conviction, petitioner cannot proceed in this court without first obtaining permission from the Court of Appeals.

(2) The petition is legally frivolous, since the robbery, even of a federally insured institution, violates Pennsylvania law and can be prosecuted in state courts as well as in federal courts.

(3) In addition, the issues now presented could have been raised in the earlier action in this court, and would either be deemed waived, or would be barred by the *res judicata* effect of the earlier judgment.

For all of these reasons, leave to proceed *in forma pauperis* will be denied, based upon the legal frivolousness of the petition. This case will be dismissed with prejudice.

An Order follows.

