IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANKLIN PAULINO	:	CIVIL ACTION
	:	
v.	:	
	:	
JAMES T. WYNDER, et al.	:	NO. 07-cv-5096-JF

MEMORANDUM AND ORDER

Fullam, Sr. J. February 28, 2008

The *pro se* petitioner, Franklin Paulino, has filed a petition seeking habeas relief under 28 U.S.C. § 2254. The petitioner had earlier sought habeas relief from the same conviction, on essentially the same grounds in 2004 in Paulino v. Levan, et al., C.A. No. 2:04-cv-2213. Relief was denied, and the Third Circuit Court of Appeals declined to issue a certificate of appealability. It is thus clear that this case represents a second and successive habeas petition, and that the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 28 U.S.C. §§ 2241-2266, precludes this court from considering such a successive application unless petitioner first obtains the permission of the Third Circuit Court of Appeals.

An Order follows.

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ORDER

AND NOW, this 28th day of February, 2008, IT IS ORDERED:

1. The petition of Franklin Paulino for a writ of habeas corpus is DISMISSED for lack of jurisdiction, without prejudice to apply to the Third Circuit Court of Appeals for permission to pursue this action.

2. The Clerk is directed to close the file.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.