

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

SHAVAUGHN CARLOS WILSON-EL,)	
)	
Petitioner,)	
)	
vs.)	Case No. 1:14-cv-00032-TWP-TAB
)	
SUPERINTENDENT, PENDLETON)	
CORRECTIONAL FACILITY,)	
)	
Respondent.)	

Entry Dismissing Action

On January 10, 2014, a pleading titled a “motion to correct errors and amend, or alter judgment, Rule 60” was filed that opened a new action under this cause number. This motion attacked the Court’s Final Judgment in cause number 2:12-cv-64-WTL-WGH that denied a Petition for Writ of Habeas Corpus in disciplinary proceeding ISP 10-10-0134 [dkt. 2].¹

As a result, on January 14, 2014, the Court ordered the petitioner to show cause why this action should not be dismissed as a “second or successive” habeas corpus petition [dkt. 4]. The petitioner filed his response on February 4, 2014, referring to the motion filed on January 10, 2014, and further stating that “none of these claims are ‘new’ or ‘reasserted,’ they only need clarification due to the record’s failure to address the claims specifically” [dkt. 5].

A prisoner is barred from bringing “a second or successive” habeas petition in district court until a court of appeals has issued an order “authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3). The “claims” the petitioner raises in the motion filed on

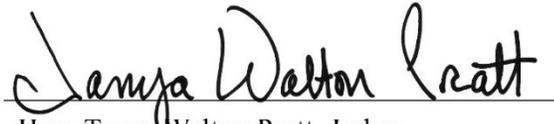
¹ The appeal in 2:12-cv-64-WTL-WGH was dismissed on September 24, 2014, for failure to timely file the required docketing fee.

January 10, 2014, should have been raised in his appeal that was dismissed on September 24, 2014.

They are not properly brought as a new action. As such, this action is dismissed with prejudice.

IT IS SO ORDERED.

Date: 01/21/2015

A handwritten signature in black ink that reads "Tanya Walton Pratt". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

SHAUAUGHN CARLOS WILSON-EL
DOC 917706
PENDLETON CORRECTIONAL FACILITY
Inmate Mail/Parcels
4490 West Reformatory Road
PENDLETON, IN 46064