

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-30360  
Conference Calendar

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WILLIE BRUINS,

Petitioner-Appellant,

versus

BURL CAIN, Warden,  
Louisiana State Penitentiary,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 97-CV-2311  
- - - - -

October 21, 1998

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:\*

Willie Bruins, #96904, appeals the district court's dismissal without prejudice of his 28 U.S.C. § 2254 petition for failure to prosecute. This court must examine the issue of subject-matter jurisdiction on its own motion, if necessary. Giannakos v. M/V BRAVO TRADER, 762 F.2d 1295, 1297 (5th Cir. 1985). The Antiterrorism and Effective Death Penalty Act requires that a prisoner seeking to file a second or successive

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

§ 2254 petition obtain an order from this court authorizing the district court to consider such a petition. See § 2244(3)(A).

Bruins failed to obtain prior permission from this court to file a successive § 2254 petition and the petition should have been dismissed for lack of subject-matter jurisdiction.

Accordingly, the dismissal of the petition is AFFIRMED for failure of the requisite jurisdiction. See Hanchey v. Energas Co., 925 F.2d 96, 97 (5th Cir. 1990).

AFFIRMED.