

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

DENNIS BROADNAX,
Petitioner,

v.

WARDEN FCI DANBURY,
Respondent.

No. 3:14-cv-806 (SRU)

ORDER OF TRANSFER

The petitioner, Dennis Broadnax, has filed a document entitled “Motion Pursuant to 2241,” which appears to seek a writ of habeas corpus to set aside or vacate his 2008 federal conviction on the charge of conspiracy to distribute a controlled substance and money laundering in interstate commerce. Such a petition must be filed pursuant to 28 U.S.C. § 2255.

Significantly, Broadnax previously filed a petition pursuant to 28 U.S.C. § 2255 that I denied on the merits. *See Order denying 2255 Petition, Broadnax v. United States*, No. 3:09-cv-720 (D. Conn. Aug. 21, 2013) (doc. 33); *Am. Order denying Certificate of Appealability, Broadnax*, No. 3:09-cv-720 (D. Conn. Nov. 19, 2013) (doc. 36). This court has no power to entertain a second or successive section 2255 petition unless the appropriate court of appeals has authorized the filing of that petition in the district court. 28 U.S.C. §§ 2244, 2255(h).

Accordingly, this Court has no authority to consider the petition.

The Second Circuit requires that district courts transfer to the Court of Appeals any second or successive petition brought without the authorization required by section 2244(b)(3). *Liriano v. United States*, 95 F.3d 119, 123 (2d Cir. 1996). Because Broadnax has previously filed a petition seeking habeas corpus relief pursuant to 28 U.S.C. § 2255 and has failed to provide any evidence that he filed a motion with the Second Circuit authorizing this Court to consider his successive application, the present petition must be transferred to the Court of

Appeals for the Second Circuit.

The Clerk shall close the district court file and, in accordance with the requirements of 28 U.S.C. § 2244 and *Liriano*, and pursuant to 28 U.S.C. § 1631, the Clerk is directed to TRANSFER Broadnax's case to the U.S. Court of Appeals for the Second Circuit to enable that Court to determine whether the claims raised in this petition should be considered by the district court.

It is so ordered.

Dated at Bridgeport, Connecticut, this 16th day of September 2014.

/s/ STEFAN R. UNDERHILL
Stefan R. Underhill
United States District Judge