



Love Brooks v. United

2012 | Cited 0 times | E.D. New York | March 14, 2012

ORDER

By petition filed March 2, 2012, Love Brooks seeks "redress" for "constitutional grievances pursuant to the First, Fifth, and Ninth Amendments." Pet. Redress Grievances 1, Mar. 2, 2012, ECF No. 737. Although styled as a Bivens suit, Brooks's petition attacks the merits of the criminal convictions pursuant to which he is currently incarcerated and is therefore properly viewed as a habeas petition. See 28 U.S.C. § 2255. Brooks has already collaterally attacked his convictions, see Brooks v. United States, No. 99 Civ. 2855 (E.D.N.Y. Dec. 31, 2002), and the instant petition is thus a "successive" petition governed by 28 U.S.C. §§ 2255(h), 2244. Because Brooks lacks the requisite authorization to file a successive petition under these provisions, his petition is transferred to the court of appeals. See 28 U.S.C. § 1631; Liriano v. United States, 95 F.3d 119, 123 (2d Cir. 1996).

So ordered.

John Gleeson, U.S.D.J.

