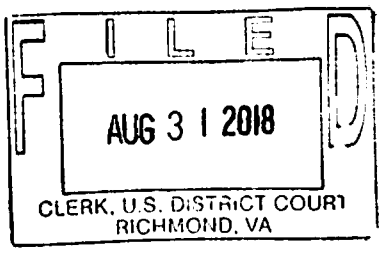
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



ANTHONY ROLAND McGIVERY,)
)
Petitioner,)
)
v.) Civil Action No. 3:18CV561–HEH
)
HAROLD W. CLARKE,)
)
Respondent.)

MEMORANDUM OPINION
(Dismissing Successive § 2254 Petition)

Petitioner, a Virginia prisoner proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his convictions in the Circuit Court for the City of Virginia Beach of three counts of robbery, three counts of using a firearm in the commission of a felony, three counts of abduction, one count of grand larceny, two counts of conspiracy in violation of Virginia Code § 18.2–22, one count of abduction with intent to defile, and one count of forcible sodomy. The Court previously has denied a 28 U.S.C. § 2254 petition filed by Petitioner challenging these convictions. *McGivery v. Johnson*, No. 3:10CV455–HEH, 2011 WL 1838874, at *5 (E.D. Va. May 13, 2011).

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a "gatekeeping mechanism." *Felker v. Turpin*, 518 U.S. 651, 657 (1996)

(internal quotation marks omitted). Specifically, "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A).

The Court has not received authorization from the United States Court of Appeals for the Fourth Circuit to file the present § 2254 petition. Therefore, the action will be dismissed without prejudice for want of jurisdiction. A certificate of appealability will be denied.

An appropriate Final Order will accompany this Memorandum Opinion.

/s/
Henry E. Hudson
Senior United States District Judge

Date: Aug 31, 2018
Richmond, Virginia