

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

JUN 08 2005

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

MARK ALAN KOPER,)
)
Petitioner,)
)
v.)
)
G.K. WASHINGTON, WARDEN,)
)
Respondent.)

Civil Action No. 7:05-cv- 00346

MEMORANDUM OPINION
AND DISMISSAL ORDER

By: Samuel G. Wilson
United States District Judge

Petitioner, a Virginia inmate proceeding pro se, has submitted to the court this petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. However, court records indicate that petitioner has previously filed a § 2254 petition concerning the same conviction, Civil Action No. 7:96-cv-00144. Thus, petitioner's current petition is a subsequent one, falling under the provisions of the amendments to federal habeas statutes regarding subsequent or successive § 2254 petitions. See Title I, Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214 (1996). Under these amendments, this court may consider a second or successive § 2254 petition only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the petition meet certain criteria. See 28 U.S.C. § 2244(b). As petitioner has not submitted any evidence of such certification by the Fourth Circuit, it is hereby

ORDERED

that pursuant to Rules 4 and 9 of the Rules Governing Section 2254 Cases, the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, shall be and hereby is **FILED** for administrative purposes only and **DISMISSED** without prejudice as successive. A Fourth Circuit form and instructions for filing a request for certification to file a subsequent petition are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.

The Clerk is directed to send certified copies of this order to petitioner.

ENTER: This 7th day of June, 2005.



UNITED STATES DISTRICT JUDGE