

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

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED *for the*
JUL 16 2007
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WAKEEL ABDUL-SABUR,)
Petitioner,) Civil Action No. 7:07-cv-00336
v.)
MEMORANDUM OPINION
UNITED STATES OF AMERICA,)
Respondent.) By: Hon. Norman K. Moon
United States District Judge

Petitioner, Wakeel Abdul-Sabur, a federal inmate proceeding pro se, has filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. Court records indicate that Abdul-Sabur has previously filed a § 2255 motion. Therefore, the court finds that this action must be dismissed without prejudice as a successive.

I.

On March 8, 2000, Abdul-Sabur pled guilty to one count of mail threatening communications, in violation of 18 U.S.C. § 876. On May 31, 2000, the court sentenced Abdul-Sabur to 46 months incarceration, to be served consecutive to any previous sentence. Abdul-Sabur appealed and the U.S. Court of Appeals for the Fourth Circuit affirmed his conviction on December 13, 2000. On April 7, 2005, Abdul-Sabur filed a § 2255 motion in this court, challenging the validity of his conviction and sentence under United States v. Booker, 543 U.S. 220 (2005) and Blakely v. Washington, 542 U.S. 296 (2004). See Civil Action No. 7:05cv00189. The court denied his motion as untimely filed on April 7, 2005.

II.

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the

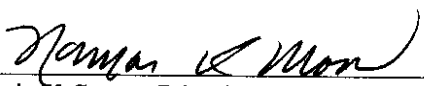
motion meet certain criteria. See § 2255 ¶ 8. As Abdul-Sabur has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, the court must dismiss his petition as successive.¹

II.

For the reasons stated, the court denies Abdul-Sabur's motion and dismisses it as a successive § 2255 petition.

The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to the petitioner.

ENTER: This 16th day of July, 2007.



United States District Judge

¹ Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244 (as amended, 1996). A Fourth Circuit form and instructions for filing this motion will be included with this notice or 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.