

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Edgar Tatum,	:	
Petitioner,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	3:15-CV-00330-VLB
Chapdelaine, Warden,	:	
Respondent.	:	JUNE 10, 2015

RULING AND ORDER

In a 28 U.S.C. § 2254 petition dated February 17, 2015, Edgar Tatum seeks to challenge his March 1990 state-court conviction for murder. [3:15-cv-00330-VLB, Dkt. 1.] Tatum has already challenged this murder conviction in a prior § 2254 petition. [3:12-cv-01193-WWE, Dkt. 1.] The district court denied his prior § 2254 petition as untimely filed, [*id.*, Dkt. 21]; the Court of Appeals declined to issue a certificate of appealability, [2d. Cir. 13-4560, Dkt. 38]; and the Supreme Court denied Tatum’s petition for writ of certiorari on November 10, 2014, *Tatum v. Murphy*, 135 S. Ct. 486 (2014). Tatum’s instant § 2254 petition is “successive” because, in addition to attacking the same state-court judgment, the prior § 2254 petition was decided on the merits, see *Murray v. Greiner*, 394 F.3d 78, 80-81 (2d Cir. 2005) (dismissal “as tardy under the controlling statute of limitations . . . constitutes an adjudication on the merits and subjects future challenges . . . to the gatekeeping requirements of § 2244(b)(3)),¹ and the Supreme Court denied

¹ Tatum incorrectly argues that his prior § 2254 petition is not successive because his prior § 2254 was denied as untimely. [3:15-cv-00330-VLB, Dkt. 1 at 54 (.pdf pagination)]. Tatum does not seek reconsideration of the district court’s timeliness ruling, the subject of another pending motion filed after the final adjudication of his initial § 2254 petition, [3:12-cv-01193-WWE, Dkt. 28]; rather, all

