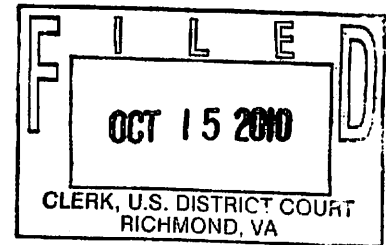


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



GREGORY A. RICHARDSON,

Petitioner,

v.

Civil Action No. 3:07CV514

VIRGINIA DEPARTMENT OF  
CORRECTIONS, et al.,

Respondents.

MEMORANDUM OPINION

Gregory A. Richardson, proceeding pro se, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 9, 2010, the Court granted Respondents' motion to dismiss and dismissed the action as time-barred. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, the Court denied Richardson a Certificate of Appealability ("COA") at the same time.<sup>1</sup> On May 12, 2010, the Court denied Richardson's motion to reconsider. On June 14, 2010, Richardson filed a notice of appeal.

On July 19, 2010, the Court received from Richardson a motion for a stay of appeal proceedings and a motion for injunctive relief. Richardson's filing of a notice of appeal divested the Court of jurisdiction over this case. See, e.g., Gaines v. South Carolina, No. 0:08-cv-00530, 2009 WL 3817287, at \*1 (D.S.C. Nov.

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<sup>1</sup> Richardson's argument that the Court may not deny a COA until an appeal is filed lacks merit. Richardson's motion for a COA (Docket No. 106) is DENIED for the reasons given in the March 9, 2010 Memorandum Opinion.

12, 2009) (citing Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982)). Accordingly, Richardson's most recent motions (Docket Nos. 109, 110) will be DENIED WITHOUT PREJUDICE for lack of jurisdiction.

The Clerk of the Court is DIRECTED to send a copy of this Memorandum Order to Richardson and counsel of record for Respondents.

It is so ORDERED.

\_\_\_\_\_/s/ RED  
Robert E. Payne  
Senior United States District Judge

Date: October 14, 2010  
Richmond, Virginia