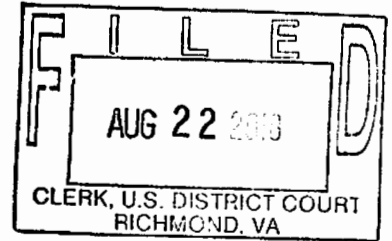


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



CAVELL DEVON WEST,

Petitioner,

v.

Civil Action No. 3:18CV552

HAROLD CLARKE,

Respondent.

MEMORANDUM OPINION

Cavell Devon West, a Virginia state prisoner proceeding pro se, brings this petition pursuant to 28 U.S.C. § 2254 ("§ 2254 Petition," ECF No. 1), wherein he challenges his convictions in the Circuit Court for the County of Chesterfield, Virginia of first degree murder, armed burglary, and two counts of use of a firearm in commission of those crimes, and his active term of thirty-eight (38) years in prison. On December 18, 2013, the Court denied a § 2254 petition filed by West challenging the above convictions. West v. Clarke, No. 3:12CV544, 2013 WL 6713171, at *1-5 (E.D. Va. Dec. 18, 2013).

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."

and sentences by establishing a "'gatekeeping' mechanism." Felker v. Turpin, 518 U.S. 651, 657 (1996). 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 for want of jurisdiction. A certificate of appealability will be denied.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: *August 22, 2018*
Richmond, Virginia

REP

/s/
Robert E. Payne
Senior United States District Judge