

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

ANTHONY ROLAND McGIVERY,)
)
Petitioner,)
)
v.)
)
HAROLD W. CLARKE,)
)
Respondent.)

Civil Action No. 3:18CV561-HEH

**MEMORANDUM OPINION
(Denying Second Motion for Reconsideration)**


Petitioner, a Virginia prisoner proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Memorandum Opinion and Order entered on August 31, 2018, the Court dismissed the § 2254 Petition as a successive, unauthorized petition. (ECF Nos. 5, 6.) Petitioner filed a Motion for Reconsideration. (ECF No. 7.) By Memorandum Opinion and Order entered on October 31, 2018, the Court denied Petitioner’s Motion for Reconsideration. (ECF Nos. 10, 11.) Petitioner appealed (ECF No. 14), and the United States Court of Appeals for the Fourth Circuit dismissed Petitioner’s appeal. (ECF No. 17.)

The matter is before the Court on a Second Motion for Reconsideration filed by Petitioner. (ECF No. 12.) Petitioner continues to argue that the current action did not constitute a successive, unauthorized 28 U.S.C. § 2254 petition. This argument lacks merit for the reasons previously stated by the Court. Petitioner’s Second Motion for

Reconsideration (ECF No. 12) will be denied. The Court will deny a certificate of appealability.

An appropriate Order will accompany this Memorandum Opinion.

Date: May 8, 2019
Richmond, Virginia


_____/s/
Henry E. Hudson
Senior United States District Judge