

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

NORMAN TRENT JOHNSON, )  
)  
Petitioner, )  
)  
v. )  
)  
RICK WHITE, )  
)  
Respondent. )

Civil Action No. 3:23-cv-473-HEH

**MEMORANDUM OPINION**  
**(Dismissing Successive § 2254 Petition)**


Petitioner, a Virginia inmate proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his convictions in the Circuit Court for Dinwiddie County. The Court previously denied a 28 U.S.C. § 2254 petition filed by Petitioner challenging these convictions. *Johnson v. Pearson*, No. 3:13CV284-HEH, 2014 WL 3945267, at \*1 (E.D. Va. Aug. 12, 2014).

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of 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.” *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). 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 consider the present § 2254 petition. Therefore, the action will be dismissed without prejudice for want of jurisdiction. A certificate of appealability will be denied. However, because Petitioner also submitted a Motion Under 28 U.S.C. § 2244 for Order for Authorizing District Court to Consider Second or Successive Application for Relief Under 28 U.S.C. §§ 2254 or 2255, the Clerk will be DIRECTED to send Petitioner's initial submission (ECF No. 1) to the United States Court of Appeals for the Fourth Circuit for its consideration. Petitioner's outstanding motions (ECF Nos. 3-5) will be denied.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: August 25, 2023  
Richmond, Virginia

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