

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
for Roanoke
MAR 02 2006
JOHN F. CORCORAN, CLERK
BY: *Fay Coleman*
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RONALD G. JOHNSON,)
Petitioner,) Civil Action No. 7:06-CV-00108
v.)
UNITED STATES OF AMERICA,) MEMORANDUM OPINION
Respondent.)
By: Hon. Norman K. Moon
United States District Judge

Petitioner Ronald G. Johnson, a federal inmate proceeding pro se, brings this action to Vacate, Set Aside, or Correct Sentence, pursuant to 28 U.S.C. § 2255. Because the petitioner has not provided any evidence to suggest that he has been granted authorization from the Court of Appeals for the Fourth Circuit to file a subsequent § 2255 petition, this court files Johnson's petition and dismisses it without prejudice as a successive petition.

Johnson was convicted before this court in December 2001 of filing false claims with the Internal Revenue Service. See Crim. Case No. 6:01-cr-10019. The court sentenced him to 46 months imprisonment, and the Fourth Circuit dismissed his appeal in November 2002. Johnson filed two Motions to Vacate, Set Aside, or Correct Sentence in 2003, which the court consolidated and dismissed by memorandum opinion and order entered February 27, 2004. See Civil Actions No. 7:03-cv-00208 and No. 7:03-cv-00615. In May 2005, the court transferred jurisdiction over Johnson's supervised release to the United States District Court for the District of Delaware.

In his current pleadings, Johnson is again challenging his 2001 conviction and sentence. An applicant must obtain authorization from the court of appeals prior to bringing

a second or successive action in district court under 28 U.S.C. § 2255. See 28 U.S.C. § 2244(b)(3)(A); § 2255 para. 8. Johnson has provided no evidence that he has obtained such authorization from the Court of Appeals for the Fourth Circuit. Therefore, this court dismisses this action without prejudice as successive. An appropriate order will be entered this day.

ENTER: This 2nd day of March, 2006.


UNITED STATES DISTRICT JUDGE