

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

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED *for*
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JOHN F. CORCORAN, CLERK
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MAYNARD ORVILLE OVERTON,
Petitioner,

Civil Action No. 7:08-cv-00285

v.

MEMORANDUM OPINION

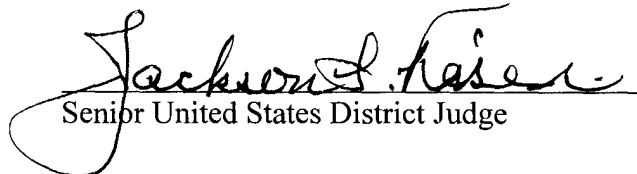
GENE M. JOHNSON,
Respondent.

By: Hon. Jackson L. Kiser
Senior United States District Judge

Petitioner, a Virginia inmate proceeding pro se, has submitted to the court this petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. However, court records indicate that petitioner has previously filed another § 2254 petition concerning the same convictions, Civil Action No. 7:07-cv-00176. Thus, petitioner's current petition is a subsequent one, falling under the successive petition provisions of the federal habeas statutes in 28 U.S.C. § 2244(b). Pursuant to this section, a federal district court may consider a second or successive § 2254 petition only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the petition meet certain criteria. Because petitioner has not submitted any evidence that he has obtained such certification by the United States Court of Appeals for the Fourth Circuit, I will dismiss the petition without prejudice as successive.*

The Clerk is directed to send a copy of this Memorandum Opinion and the accompanying Order to petitioner.

ENTER: This 16th day of April, 2008.


Senior United States District Judge

* A form and instructions for filing a request for certification to file a subsequent petition are available from the United States Court of Appeals for the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.