

**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-Fe. Kko

JAN 19 2010

**MELVIN CORNELL DODSON,**  
Petitioner,

JOHN F. CORCORAN, CLERK  
Civil Action No. 7:10-cv-~~870~~19 HMCDonald  
DEPUTY CLERK

v.

**MEMORANDUM OPINION**

**COMMONWEALTH OF VIRGINIA,**  
Respondent.

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

Petitioner Melvin Cornell Dodson, a Virginia inmate proceeding pro se, filed a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging his conviction in the Circuit Court of Henry County in August 2005. However, court records indicate that the petitioner previously filed a § 2254 petition concerning the same conviction, Dodson v. Johnson, No. 7:07-cv-00008 (W.D. Va. June 18, 2007). See also Dodson v. Dept. of Corr., No. 7:08-cv-00566 (W.D. Va. Oct. 31, 2008) (dismissing subsequent § 2254 petition as successive). Thus, the petitioner's current petition is a subsequent one, falling under the prohibition in 28 U.S.C. § 2244(b) against a second or successive petition. 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. 28 U.S.C. § 2244(b). Because the petitioner has not submitted any evidence that he has obtained such certification by the Court of Appeals, I will dismiss the petition without prejudice as successive.\*

The Clerk is directed to send copies of this memorandum opinion and the accompanying order to the petitioner.

ENTER: This 19<sup>th</sup> day of January, 2010.

  
Senior United States District Judge

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\*A Fourth Circuit form and instructions for filing a request for certification to file a subsequent petition are available from 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.