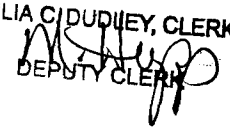


FILED
for Roanoke
JAN 22 2013

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

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

MELVIN CORNELL DODSON,
Petitioner,

Civil Action No. 7:12 -cv-00633

v.

MEMORANDUM OPINION

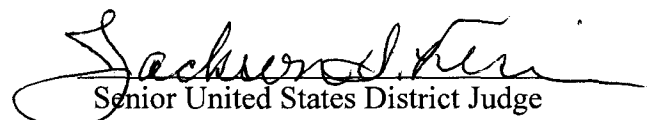
COMMONWEALTH OF VIRGINIA,
Respondent.

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

Melvin Cornell Dodson, a Virginia inmate proceeding pro se, filed a petition for a writ of error coram nobis, which I construe as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his August 24, 2004, conviction from the Circuit Court of the City of Martinsville for failing to appear, in violation of Virginia Code § 19.2-128. Court records indicate that petitioner previously filed a § 2254 petition about the same conviction in Dodson v. Warden, No. 7:10-cv-00019 (W.D. Va. Dec. 13, 2010). Thus, 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 a United States Court of Appeals that claims in the subsequent petition meet certain criteria. 28 U.S.C. § 2244(b). Because petitioner has not submitted any evidence that he has obtained such certification by the Fourth Circuit Court of Appeals, I dismiss the petition without prejudice as successive. Based upon the finding that the petitioner has not made the requisite substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is denied.

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

ENTER: This 22rd day of January, 2013.


Senior United States District Judge