


JUN 25 2013

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

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

WILLIAM LEE ANDERSON, II,)	Civil Action No. 7:13CV00280
)	
Petitioner,)	
)	<u>MEMORANDUM OPINION</u>
v.)	
)	
DIRECTORS OF VDOC,)	
)	By: Samuel G. Wilson
Respondent.)	United States District Judge

This is a petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 by William Lee Anderson, II, a Virginia inmate proceeding pro se, challenging his 2009 robbery and obstruction of justice conviction in Washington County Circuit Court. The court finds the petition to be successive and dismisses it pursuant to 28 U.S.C. § 2244(b).¹

Anderson previously filed a § 2254 petition concerning the state court judgment he challenges here, the court dismissed it as untimely, see Anderson v. Director, VDOC, No. 7:12cv323 (W.D. Va. August 8, 2012), Anderson appealed, and the Court of Appeals dismissed his appeal. See Anderson v. Director, No. 12-7561 (4th Cir. Dec. 27, 2012).

Pursuant to § 2244(b), a federal district court may consider a second or successive § 2254 petition only if petitioner secures specific certification from the United States Court of Appeals for its circuit that the claims in the petition meet certain criteria. § 2244(b)(3). Because Anderson has not demonstrated that he has obtained the required certification and authorization by the Court of Appeals for the Fourth Circuit, the court will dismiss the petition without prejudice as successive. An appropriate order will enter this day.

¹ The court also denies Anderson's following motions as moot: motion for leave to proceed *in forma pauperis* (ECF No. 2); motion for hearing (ECF No. 4); motion to appoint counsel (ECF No. 5); and miscellaneous "Motion to Incorporate Affidavit for Official Record Pursuant to New Exculpatory Material Evidence 'Brain Injury'" (ECF No. 6).

ENTER: This 25th day of June, 2013.

A handwritten signature in black ink, consisting of several overlapping loops and a final horizontal stroke.

UNITED STATES DISTRICT JUDGE