

FILED
for Roanoke
SEP 11 2013
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

KEITH R. HARRIS,
Petitioner,

Civil Action No. 7:13-cv-00413

v.

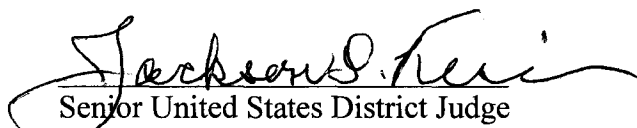
MEMORANDUM OPINION

DIRECTOR, VDOC,
Respondent.

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

Keith R. Harris, a Virginia inmate proceeding pro se, filed a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, to challenge his March 2002 convictions for contracting without a license and obtaining money by fraud. However, court records indicate that petitioner previously filed a § 2254 petition concerning the same convictions in Harris v. Director, Virginia DOC, No. 1:05-cv-00095 (E.D. Va. Mar. 10, 2006). 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 the claims in the second or 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 Court of Appeals, I dismiss the petition without prejudice as successive. Based upon my finding that 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 11th day of September, 2013.


Senior United States District Judge