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AT ROANOKE, VA
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MAY 23 2018

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

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| **BRUCE DWAYNE BARNES,** | ) | **CASE NO. 7:18CV00216** |
| | ) | |
| **Petitioner,** | ) | |
| | ) | **MEMORANDUM OPINION** |
| **v.** | ) | |
| | ) | |
| **COMMONWEALTH OF VIRGINIA,** | ) | **By: Glen E. Conrad** |
| | ) | **Senior United States District Judge** |
| **Respondent.** | ) | |

Bruce Dwayne Barnes, a Virginia inmate proceeding pro se, filed this pleading that the court has construed and docketed as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging the validity of Barnes' confinement for his 2007 state convictions. Barnes previously filed a § 2254 petition concerning the same convictions, and the court addressed and dismissed it upon finding that Barnes' claims of court error were procedurally barred. See Barnes v. Warden, Case No. 7:10CV00544, 2011 WL 1428088 (W.D. Va. Apr. 13, 2010) (granting respondent's motion to dismiss). In his current petition, Barnes attempts to assert claims that he could have presented, or did present in that prior petition that the court dismissed.

A federal district court may consider a second or successive § 2254 petition only if petitioner secures specific certification from the court of appeals that the claims in the petition meet certain criteria. 28 U.S.C. § 2244(b)(3). Barnes has not obtained the required certification. Therefore, the court will dismiss this second petition without prejudice as successive. An appropriate order will enter this day. The Clerk is directed to send copies of this memorandum opinion and accompanying order to petitioner.

ENTER: This 22d day of May, 2018.

Glen Conrad
Senior United States District Judge

Barnes v. Commonwealth of Virginia Doc. 2
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