

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
August 28, 2024
LAURA A. AUSTIN, CLERK
BY: s/A. Beeson
DEPUTY CLERK

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

JULIAN HUFFMAN,)
Petitioner,) Civil Action Nos. 7:24cv000346
)
v.)
)
MAJOR PARKS,) By: Elizabeth K. Dillon
Respondent.) Chief United States District Judge

MEMORANDUM OPINION AND ORDER

Julian Huffman, a Virginia inmate proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 that was docketed as Civil Action No. 7:24-cv-328 and assigned to the undersigned district judge.¹ Soon after, Huffman filed the above-captioned matter, which is another § 2254 petition. This later-filed action was initially assigned to another district judge, who transferred the case to the undersigned district judge on August 8, 2024. (Dkt. No. 17.) Both actions bring the same claim, challenging the same conviction in Wise County Circuit Court, CR22F00194. Because the cases are duplicative, the court will dismiss this action without prejudice.

It is HEREBY ORDERED that this matter is DISMISSED without prejudice. All pending motions are also DISMISSED without prejudice. Finding that petitioner has not made a substantial showing of the deprivation of a constitutional right, 28 U.S.C. § 2253(c), the court

¹ The case was initially docketed as a petition under 28 U.S.C. § 2241, but it was later construed by the court to be a § 2254 petition.

DECLINES to issue a certificate of appealability. The Clerk shall transmit a copy of this order to Huffman.

Entered: August 28, 2024.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
Chief United States District Judge